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No. 56775-0

IN THE COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

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JULIA BESOLA-ROBINSON, individually,

Appellant,

v.

ERIC PULA, individually and as PERSONAL  
REPRESENTATIVE OF THE ESTATE MARK L. BESOLA,  
et al.,

Respondents.

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BRIEF OF APPELLANT

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## TABLE OF CONTENTS

I. INTRODUCTION .....	1
II. ASSIGNMENT OF ERROR.....	5
Assignment of Error No. 1 .....	5
III. ISSUES PERTAINING TO ASSIGNMENT OF ERROR.	5
IV. STATEMENT OF THE CASE.....	6
A. Mark’s Life Was in Chaos in 2018 .....	6
B. Conspiracy to Steal Mark’s Estate Develops After His Death, Requiring Legal Action by Julia and Amelia .....	7
C. Probate of the Fake December 2018 Will.....	9
D. Initial Efforts of Julia and Amelia to Combat Theft of Estate .....	10
E. The Will Contest Litigation .....	14
F. The Respondents Litigated Crossclaims Against Julia.....	14
G. The Respondents Involved Julia’s Interest in Besola Realty Enterprises in the Litigation .....	19
H. Two Trials Before Probate of Fake December 2018 Will Was Terminated .....	20
I. Attorneys’ Fees Were Paid to Multiple Parties, Yet Julia Was Denied 96% of Her Fees and All Costs .....	25
V. SUMMARY OF ARGUMENT .....	27

VI. ARGUMENT .....	28
A. Standard of Review .....	28
B. Julia Is Entitled to an Increased Award of Attorneys’ Fees and Costs Incurred in the Will Contest Litigation .....	29
1. The Court Correctly Determined That It Was Equitable Under RCW 11.96A.150 to Award Julia Her Reasonable Attorneys’ Fees and Costs Incurred in the Multi-Year Litigation Over Mark’s \$5,000,000 Estate After It Was Proven That the December 2018 Will Was a Fake.....	29
2. The Court Abused Its Discretion When It Refused to Approve Julia’s Requested Fees and Costs by Deciding That It Was Unreasonable for Julia to Defend Her Interests That Were at Stake in the Will Contest Litigation.....	30
a. The Amount of Julia’s Attorneys’ Fee And Cost Request Was Reasonable Because Julia Had Retained Counsel to Defend Her as a Party Sued in the Litigation .....	33
b. The Amount of Attorneys’ Fees and Costs That Julia Incurred Were Driven by the Motion Practice, Discovery Tactics and Litigation Strategy of the Conspirators Who Created the Fake Will and the Other Respondents .....	34
c. As a Partner in Besola Enterprises, Julia Had a Duty and Right to Participate in Proceedings to Protect the Partnership and Her Partnership Interests.....	39
d. Julia Had Different Attorneys, Legal Status, Claims, and Defenses From Her Sister Amelia.....	40
(i) Julia’s Attorneys Performed Work Without Repetition or Redundancy .....	41

ii. Julia's Attorneys Successfully Provided Defense on Claims Specific to Julia .....	43
e. Julia's Attorneys Incurred Less Than 50% of the Hours Incurred by Amelia But the Court Approved 100% of the Fee and Cost Request Made by Amelia.....	46
f. The Court's Award Was Untenable in That It Did Not Even Compensate Julia for the Fees and Costs Incurred by Her Attorneys During the Days of Trial in the Case .....	47
C. Julia Besola Is Entitled to an Award of Her Reasonable Attorney Fees on Appeal Under RAP 18.1 and RCW 11.96A.150 .....	49
VII. CONCLUSION.....	51

## APPENDICES

<u>Appendix No.</u>	<u>Document</u>	<u>Pages</u>
A	Probate Cause No. 19-4-00016-6, 10/18/2019 Order On Amelia Besola's Motion for Revision	1-3
B	Probate Cause No. 19-4-00016-6, 11/6/2019 Objection to Grant of Letters Testamentary.	4-14
C	Probate Cause No. 19-4-00016-6, 12/11/2019 Petition for Orders to Issue Citation.	15-29
D	Probate Cause No. 19-4-00016-6, 12/17/2019 Eric Pula Response to Objection to Grant of Letters Testamentary	30-39



E	Probate Cause No. 19-4-00016-6, 12/17/2019 Combined Response of Personal Representative to Objection to Grant of Letters Testamentary	40-56
F	Probate Cause No. 19-4-00016-6, 11/18/2019 Gunwall Response in Opposition to Julia Besola's Objection to Grant of Letters Testamentary	57-66
G	Probate Cause No. 19-4-00016-6, Probate Cause No. 19-4-00016-6, 1/8/2020 PR Motion for Alternate Security.	67-78
H	Probate Cause No. 19-4-00016-6, 1/14/2020, Response to Motion for Alternate Security for Personal Representative.	79-88
I	Probate Cause No. 19-4-00016-6, 1/17/2020 Order Granting Personal Representative's Motion for Alternate Security.	89-92
J	Probate Cause No. 19-4-00016-6, 11/23/2020 Declaration of Stephanie Bloomfield in Support of Personal Representative's Motion to Pay Taxes, Attorneys Fees and Expenses.	93-188
K	Trial Exhibit 200, December 2018 Will	189-199
L	Docket Report, Pierce County Superior Court, Cause No. 19-4-01902-9	200-227
M	Probate Cause No. 19-4-00016-6, 1/07/2019 Letters of Administration	228

N	<i>Matter of Madeline M. Thiede Tr.</i> , 17 Wn. App. 2d 1060.	229- 240
---	---	-------------

## TABLE OF AUTHORITIES

### **CASES**

<i>Baker Boyer Nat’l Bank v. Garver</i> , 43 Wn. App. 673, 719 P.2d 583 (1986) .....	39
<i>City of Tacoma v. State</i> , 117 Wn.2d 348, 816 P.2d 7 (1991) .....	30
<i>Foster v. Gilliam</i> , 165 Wn. App. 33, 268 P.3d 945 (2011) .....	49, 56
<i>Gander v. Yeager</i> , 167 Wn. App. 638, 282 P.3d 1100 (2012) .....	31
<i>Gillespie v. Seattle First Nat’l Bank</i> , 70 Wn. App. 150, 855 P.2d 680 (1993) .....	39
<i>Hensley v. Eckerhart</i> , 461 U.S. 424, 103 S. Ct. 1933, 76 L. Ed. 40 (1983) .....	51
<i>In re Estate of Becker</i> , 177 Wn.2d 242, 298 P.3d 720 (2013) .....	34
<i>In re Estate of Black (“Black I”)</i> , 116 Wn. App. 476, 66 P.3d 670 (2003), <i>aff’d on other grounds</i> , 153 Wn.2d 152, 102 P.3d 796 (2004) .....	32, 36, 53
<i>In re Estate of Black (“Black II”)</i> , 153 Wn.2d 152, 102 P.3d 796 (2004) .....	35
<i>In re Estate of Earls</i> , 164 Wn. App. 447, 262 P.3d 832 (2011) .....	39
<i>In re Estate of Jones</i> , 170 Wn. App. 594, 287 P.3d 610 (2012) .....	39
<i>In re Estate of Mower</i> , 193 Wn. App. 706, 374 P.3d 180 (2016) .....	56
<i>In re Estate of O’Brien</i> , 13 Wn.2d 581, 126 P.2d 47 (1942) .....	34
<i>In re Guardianship of Lamb</i> , 154 Wn. App. 536, 228 P.3d 32 (2009), <i>aff’d</i> , 173 Wn.2d 173, 265 P.3d 876 (2011) .....	49, 56
<i>In re Marriage of Littlefield</i> , 133 Wn.2d 39, 940 P.2d 1362 (1997) .....	36

<i>In re Washington Builders Ben. Tr.</i> , 173 Wn. App. 34, 293 P.3d 1206 (2013) .....	30
<i>Kovacevich v. Finch</i> , 142 S. Ct. 1364, 212 L. Ed. 2d 324 (2022) .....	35
<i>Matter of Madeline M. Thiede Tr.</i> , 17 Wn. App. 2d 1060, review denied, 198 Wn.2d 1015, 495 P.3d 848 (2021), and cert. denied sub nom .....	35
<i>Matter of Marital Tr. of Graham</i> , 11 Wn. App. 2d 608, 455 P.3d 187, review denied sub nom., 195 Wn.2d 1026, 466 P.3d 778 (2020) .....	50, 57
<i>McLelland v. Paxton</i> , 11 Wn. App. 2d 181, 453 P.3d 1 (2019) .....	46
<i>Robel v. Roundup Corp.</i> , 148 Wn.2d 35, 59 P.3d 611 (2002) .....	30
<i>Seattle-First Nat. Bank v. Washington Ins. Guar. Ass'n</i> , 94 Wn. App. 744, 972 P.2d 1282 (1999) .....	52, 54
<i>SentinelC3, Inc. v. Hunt</i> , 181 Wn.2d 127, 331 P.3d 40 (2014) .....	46, 47
<i>State ex rel. Clark v. Hogan</i> , 49 Wn.2d 457, 303 P.2d 290 (1956) .....	36, 43
<i>Sunnyside Valley Irrigation Dist. v. Dickie</i> , 149 Wn.2d 873, 73 P.3d 369 (2003) .....	30

## STATUTES

RCW 11.28.020 .....	11
RCW 11.96A <i>et seq.</i> .....	33
RCW 11.96A.030(5) .....	33
RCW 11.96A.150(1) .....	56

## RULES

RAP 18.1(a) .....	55
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## I. INTRODUCTION

Mark Besola died on January 1, 2019. His sisters Julia Besola-Robinson (“Julia”) and Amelia Besola (“Amelia”) were then forced into a multi-year battle by conspirators who had invaded and taken over Mark’s life, house, and finances. These conspirators were intent on stealing Mark’s \$5M+ estate from his family.

Amelia was appointed to administer Mark’s estate.<sup>1</sup> Amelia sought access and control of Mark’s Lake Tapps property which prompted conspirators Eric Pula, Robyn Peterson, James Garrett (and likely others) to engage in a scheme to defraud Mark’s estate and heirs through the creation and probate of a fake Will for Mark. Through this scheme, Eric Pula (1) obstructed Julia and Amelia’s efforts to have himself and the other occupants evicted from the Lake Tapps house, (2) removed Amelia from her Administrator role and obtained control of the

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<sup>1</sup> See Appendix N.

Estate as the new Personal Representative, (3) took possession of and dissipated Mark's personal property located in the Lake Tapps house, (4) acquired and/or sold Estate property such that it would never be recovered by the true beneficiaries of the Estate, including corporate stock gifted to Julia, (5) spent many thousands of Estate dollars on his own attorneys, (6) stole over \$200,000 of estate funds from unblocked accounts, and (7) engaged in a continuing fraudulent conspiracy with Robyn Peterson, James Garrett (and likely others) to deceive the Court and other parties through the two trials in this case.

Mr. Pula, with the support of the fraudulent Will witnesses, also engaged in activities and a litigation strategy that drove the legal fees and costs incurred by Julia, including:

- Multiple contested court hearings concerning whether Mr. Pula would be required to post a bond before being permitted to serve as Personal Representative, continuing with further hearings after the bonding company refused to bond him;

- Contested hearings to remove Mr. Pula's counsel based on disqualification after Mr. Pula stole hundreds of thousands of dollars from the Estate when it was discovered that Mr. Pula had not put the Estate funds into a blocked account as required by court order;
- Multiple frustrated attempts to depose Mr. Pula, and Mr. Pula's co-conspirators Robyn Peterson and James Garrett, and related hearings and pleadings to obtain their testimony by deposition and at trial;
- Mr. Pula required Julia to prepare for and defend herself at two separate depositions;
- The Estate, while Mr. Pula was personal representative, served two separate sets of written discovery requests to Julia, including both interrogatories and requests for production;
- Defense of the crossclaims brought by Mr. Pula and respondent Kelly McGraw against Julia, seeking to disinherit her based on her decision to contest the fake

Will;

- Multiple contested hearings and discovery battles with Mr. Pula's counsel over the Phoenix Stocks that were gifted to Julia.

The Court's Findings of Fact and Conclusions of Law describe the multi-year intensive litigation suffered by Mark's sisters. (CP 6277-6289.) Approximately \$2.4M was spent because of the fake Will. At the conclusion of the second trial, the Court appropriately determined that it was equitable to award Julia and Amelia their attorneys' fees and costs incurred pursuant to RCW 11.96A.150 against Mr. Pula. (CP 6290-6292, 6293-6296.) Inexplicably, however, the Court then slashed the amount of Julia's fee and cost award to 4% of the requested sums (CP 6496-6498); amounts that did not even compensate for the actual days her attorney spent in trial, let alone compensate for the fees and costs incurred in motion practice, case investigation, discovery, and trial preparation.

Julia respectfully seeks review by the Court of Appeals,



and a determination that the Trial Court abused its discretion by reducing the amount of the fee and cost award for untenable reasons.

## II. ASSIGNMENT OF ERROR

### Assignment of Error No. 1.

The trial court erred, after entering its Order finding that it was equitable to award Julia her attorneys' fees and costs incurred during the Will contest proceedings, by severely limiting the amount of reasonable fees to less than 4% of the requested amount, and awarding zero costs, through the justification that Julia was not required to participate in the Will contest litigation.

## III. ISSUES PERTAINING TO ASSIGNMENT OF ERROR

A. Whether Julia is entitled to an increase in the amount of attorneys' fees and costs awarded against Eric Pula because she was a named respondent and crossclaim respondent in the Will contest litigation?

B. Whether Julia is entitled to an increase in the

amount of attorneys' fees and costs awarded because she had the right to protect her partnership and partnership interest?

C. Whether Julia's interests and legal posture were different from those of Amelia, such that the fees awarded to Amelia do not serve as an adequate basis to severely reduce the fees awarded to Julia?

#### IV. STATEMENT OF THE CASE

A. Mark's Life Was in Chaos in 2018.

Mark was Julia and Amelia's younger brother. (CP 6279.) Mark had no children and was not married at the time of his death. (*Id.*) When Mark died, his estate was worth approximately \$5,000,000.00. (CP 6280.) Mark planned to distribute his estate through his real estate partnership with Julia and Amelia, and through his 2012 Last Will and Testament. However, in the final year of Mark's life (2018) he was surrounded by people who moved into his Lake Tapps home and who admittedly depended on Mark for their housing, food and other daily needs. (*Id.*)

The people living in Mark's house in 2018 included

litigation respondents Eric Pula, Brandon Gunwall and Kelly McGraw. These people had access to Mark's electronic devices and financial information throughout 2018 and early 2019. (*Id.*)

Mark's life decayed into chaos in 2018. His home was in an extreme state of filth and deterioration. Both Mr. Gunwall and Mr. Pula used serious illegal drugs, all the while claiming they were acting as caretakers for Mark and his property. Mark was physically disabled, depended on a wheelchair for his mobility, and required an in-home caregiver (Mr. Pula) for his medical treatment. (*Id.*) Mark became isolated from Julia and Amelia. (CP 6281.) In the month before his death, two men entered his home and battered Mark with a bat. Mr. Pula shot and killed one intruder and wounded the other. (*Id.*) On December 30, 2018, Mark experienced a medical emergency and was transported to the hospital, where he died on January 1, 2019. (*Id.*)

B. Conspiracy to Steal Mark's Estate Develops After His Death, Requiring Legal Action by Julia and Amelia.

After Mark died, Eric Pula and his girlfriend, Brandon

Gunwall, James Garrett, and Kelly McGraw continued to occupy Mark's Lake Tapps home. (*Id.*) Amelia was appointed to administer his estate on January 3, 2019. (CP 6282.) The occupants of Mark's home refused to leave, and Amelia commenced eviction proceedings in April 2019 against Eric Pula, Brandon Gunwall and Kelly McGraw.<sup>2</sup> (*Id.*) On April 9, 2019, the Pierce County Superior Court ("Court") issued a Show Cause Order requiring Eric Pula, Brandon Gunwall, Kelly McGraw, and all other occupants to show cause why possession of the home should not be delivered to Mark's estate. (*Id.*) The eviction hearing was held on April 24, 2019. (*Id.*)

At this time, no one had discovered whether Mark had a Last Will and Testament. None of the prior occupants of the house, including James Garrett, described the creation or existence of a Will for Mark during the eviction proceedings. (*Id.*)

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<sup>2</sup> James Garrett had moved out by this time.

C. Probate of the Fake December 2018 Will.

A few days after the eviction hearing, Eric Pula, James Garrett, and Garrett's companion Robyn Peterson communicated with each other, and then Eric Pula met Robyn Peterson on May 8, 2019, at the Court to file a Will allegedly signed by Mark on December 6, 2018 (a few weeks before his death). (CP 6284; Appendix K.<sup>3</sup>)

The December 2018 Will was witnessed by James Garrett and Robyn Peterson. (Appendix K, p. 197.) The Will gave Eric Pula 55% of Mark's estate, Kelly McGraw 25% of the estate, and two charities 10% each. (Appendix K, pp. 198-99.) The Will disinherited Amelia but gave Julia Mark's interest in two real properties which were co-owned by Mark and Julia. The Will also gave Mark's six dogs to Brandon Gunwall and referenced an agreement with Mr. Gunwall to care for the dogs in exchange for naming him as a beneficiary to a life insurance policy owned

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<sup>3</sup> Trial Exhibit 200, Appendix K.

by Mark. (Appendix K, p. 193.) Eric Pula was named as the executor in the Will, and Kelly McGraw was named as the alternate executor. (*Id.*)

The December 2018 Will contained suspicious elements (beyond the fact that Mark's family was disinherited in favor of people Mark had known for a matter of months). The Will was not executed properly, was not notarized where indicated, contained different font types, misspelled the name of Mark's dog Angel, and Mark's signature was inconsistent with prior signatures. (CP 6285-6286.) Despite these concerns, on September 26, 2019, the Court admitted the December 2018 Will to probate at the request and application of Brandon Gunwall. (CP 6284-6285.)

D. Initial Efforts of Julia and Amelia to Combat Theft of Estate.

Coincident with the probate of the December 2018 Will, the Court revoked Amelia's letters testamentary and granted

letters testamentary to Eric Pula.<sup>4</sup> Eric Pula was required to post a \$250,000 bond to serve as personal representative.<sup>5</sup> Julia objected to the grant of letters testamentary to Eric Pula pursuant to RCW 11.28.020.<sup>6</sup> Amelia sought removal of Mr. Pula under RCW 11.28.250<sup>7</sup>, and filed a Will contest against the December 2018 Will and a separate action to protect Mark's non-probate assets. (CP 1, 112-125.)<sup>8</sup> Through their lawyers, Eric Pula, Kelly McGraw and Brandon Gunwall all responded to Julia and Amelia's objections, arguing that Mr. Pula was an appropriate

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<sup>4</sup> The probate exists under Pierce County Superior Court Cause No. 19-4-00016-6, distinct from the trial court cause numbers subject to this appeal. Proceedings in the probate cause number are referenced for factual background, but the orders issued in the probate are not themselves being appealed. Referenced pleadings are supplied with the Appendix herein.

<sup>5</sup> Probate Cause No. 19-4-00016-6, 10/18/2019 Order On Amelia Besola's Motion for Revision, Appendix A.

<sup>6</sup> Probate Cause No. 19-4-00016-6, 11/6/2019 Objection to Grant of Letters Testamentary, Appendix B.

<sup>7</sup> Probate Cause No. 19-4-00016-6, 12/11/2019 Petition for Orders to Issue Citation, Appendix C.

<sup>8</sup> The Will contest and the TEDRA action regarding non-probate assets were initiated under separate cause numbers and later consolidated into one cause number.

personal representative and that the December 2018 Will was valid.<sup>9</sup>

Unsurprisingly Eric Pula was unable to post the required bond, so his lawyers sought an order permitting him to post alternate security.<sup>10</sup> Julia opposed this motion, for if bonding companies found that Mr. Pula was an unacceptable risk, it made no sense that he should serve in a fiduciary position.<sup>11</sup> Despite significant efforts by Julia to protect Mark's estate, the Court permitted Mr. Pula to serve without bond so long as proceeds of all real estate sales were placed into a blocked estate account.<sup>12</sup>

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<sup>9</sup> Probate Cause No. 19-4-00016-6, 12/17/2019 Eric Pula Response to Objection to Grant of Letters Testamentary; 12/17/2019 Combined Response of Personal Representative to Objection to Grant of Letters Testamentary; 11/18/2019 Gunwall Response in Opposition to Julia Besola's Objection to Grant of Letters Testamentary, Appendices D-F.

<sup>10</sup> Probate Cause No. 19-4-00016-6, 1/8/2020 PR Motion for Alternate Security, Appendix G.

<sup>11</sup> Probate Cause No. 19-4-00016-6, 1/14/2020, Response to Motion for Alternate Security for Personal Representative, Appendix H.

<sup>12</sup> Probate Cause No. 19-4-00016-6, 1/17/2020 Order Granting Personal Representative's Motion for Alternate Security, Appendix I.



Fast forward one year and Julia's predictions came true. In December 2020 Eric Pula was removed as Personal Representative after it was discovered that he stole more than \$200,000 from the estate, the monies being accessible because he and his lawyers had not created blocked bank accounts as required by the Court. (RP 12-4-2020, pp. 87-115; CP 4390-4392.) Julia obtained disqualification of Eric Pula's attorneys based on the conflict of interest created by the theft and failure to create blocked accounts, issues that were hotly contested by the law firm for Mr. Pula and other respondents supporting the December 2018 Will. (RP 1-8-2021, pp. 5-41; CP 4064-4086, 4087-4094, 4174-4186, 4187-4218, 4325-4327.) The successor administrator obtained a Confession of Judgment from Mr. Pula for the monies he stole, but he was never brought to justice for this theft. Instead, the successor administrator, with the blessing of the Trial Court, decided that the theft was a non-issue if the December 2018 Will was found to be valid as Mr. Pula was a 55% beneficiary. The stolen monies were treated as a potential

offset to his inheritance. Emboldened by this treatment, Mr. Pula and the other respondents continued with their multi-year, multiple attorney, multi-million dollar legal battle to defend the December 2018 Will that gave Mark's estate to them.

E. The Will Contest Litigation.

From the initiation of the Will Contest in October 2019, through and beyond the conclusion of the second trial in November 2021, Julia was engaged in almost daily litigation against lawyers representing Eric Pula as an individual, Eric Pula as the Personal Representative, Brandon Gunwall, Kelly McGraw, two charities, and later lawyers representing Michael Smith as the successor administrator. The litigation included over seventy-five substantive motions, with motion hearings and oral argument occurring on an almost weekly basis from July 2020 through conclusion of the case. (Docket Report, Pierce County Superior Court, Cause No. 19-4-01902-9.)

F. The Respondents Litigated Crossclaims Against Julia.

Crossclaims were filed in the Will contest against Julia by

Eric Pula individually, Kelly McGraw individually, and the Estate. (CP 24-63, 64-86, 337-358, 3791-3819.) The Estate's first crossclaim sought imposition of a constructive trust over Phoenix Stock shares that were gifted to Julia, alleging that she was unjustly enriched at the expense of the rightful heirs to the Estate when she received the gift of stock. (CP 353.) Julia was forced to litigate this matter through multiple hearings and motion practice brought by Mr. Pula as personal representative and the other respondents. (CP 601-611, 763-783, 784-799, 800-805 806-820, 821-829, 830-855, 863-865, 1988-1992, 2740-2746, 3058-3069,3070-3075, 3771-3779.)

On 9/25/20 the Court entered its Findings, Conclusions and Order on Estate's Motion to Recover Wrongfully Transferred Phoenix Veterinary Laboratories, Inc. Stock Shares. (CP 863-865.) The Order made a factual finding that Amelia lacked authority to transfer the shares to Julia. There was no finding that Julia was unjustly enriched because Julia, while continuing to assert that she rightfully received the gift of stock,

had preserved the shares. (*Id.*) The shares (following a merger with Zoetis) remained entirely intact and in fact had increased in value substantially creating a massive benefit for the Estate due to the fact that Julia, as Mark's sister, had received the gift (rather than permitting Phoenix to buy back the shares at a severely reduced price after Mark's death). Rather than damaging the Estate, Julia also provided an incredible benefit to the Estate by protecting the shares (and the share value) because the Court's 9/25/20 Order directed that the proceeds from the exchange of the shares were to be deposited into the Estate's blocked account at KeyBank. As we all now know, Eric Pula and his attorneys never set up the court mandated blocked account at KeyBank that was required for Pula to serve as personal representative in place of a bond.<sup>13</sup> Had the share proceeds been turned over to Pula in September 2020, those proceeds would have been placed in the

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<sup>13</sup> Probate Cause No. 19-4-00016-6, 1/17/2020 Order Granting Personal Representative's Motion for Alternate Security, Appendix I.

existing unblocked account and available for Mr. Pula to steal along with the \$200,000 he admittedly stole the estate accounts.

In addition, the Estate's motion practice was not well thought out because the Phoenix shares were no longer in existence following the merger of Phoenix with Zoetis. Julia filed briefing suggesting that Zoetis (and Computershare) should be served notice of any motions seeking court orders regarding the stock transfer, but the Estate rejected such requests and the Court ruled against Julia on that issue. (CP 763-783.) As it turned out, the September 2020 Order drafted by the Estate was not effective because the Phoenix stock no longer existed. This necessitated more motion practice by the Estate against Julia, resulting in new Findings, Conclusions and Orders. (CP 3771-3779.) Throughout this whole process, Julia preserved the shares and increased their value for the Estate, giving a greater benefit than any constructive trust would have provided. Julia was also forced by the Estate to prepare a defense to the claims concerning the Phoenix stock transaction at trial. (CP 4582-4589, Estate's

Proposed Trial Exhibits 57-73.)

The second crossclaim asserted that Julia violated the no contest provision of the disputed Will by making a bad faith objection to Eric Pula's efforts to become personal representative of the Estate. (CP 353-355.) After the discovery that Mr. Pula violated the Order requiring a blocked account for Estate funds, and that he systematically stole \$200,000 from the Estate's unblocked account, he was removed from his role as personal representative at the request of his own attorney (Ms. Thompson) who had fought so vigorously to have him serve in the first place. (CP 3787-3790.) His attorneys at Gordon Thomas Honeywell, who also fought tooth and nail against Julia to establish that Mr. Pula was a proper representative for the Estate, were disqualified. (CP 4325-4327.) And, finally, the relief Julia sought from the outset was granted -- a neutral independent administrator was appointed to administer the Estate. (CP 3787-3790.) Despite this result, however, the Estate and Ms. McGraw refused to dismiss their crossclaims against Julia, requiring her to prepare to defend

against the crossclaim at trial. (CP 5117-5128.)

G. The Respondents Involved Julia's Interest in Besola Realty Enterprises in the Litigation.

Mark, Julia and Amelia were partners in Besola Realty Enterprises (the “partnership”), which owned various parcels of real estate in Washington. The December 2018 Will left the residuary of Mark’s estate, which included his partnership interest, to respondents Pula, McGraw, and the two charities. Thus, Julia’s partnership properties were subject to the claims of these people/entities if the December 2018 Will was upheld. The Estate, led by Mr. Pula, supported the December 2018 Will in the litigation by alleging that partnership disputes among the siblings justified Mark’s decision to disinherit his sisters. (CP 346-350.) Julia was deposed twice during the litigation concerning these alleged partnership disputes. (CP 895-1186, Exhibits 2, 14, to Bloomfield Declaration.) Julia was also served with two separate sets of discovery requests during the litigation, including

demands to produce documents concerning the partnership<sup>14</sup>:

REQUEST FOR PRODUCTION NO. 5: Produce all documents reflecting communications from January 1, 2016 to present with Amelia Besola, or including her as a recipient whether copied or forwarded that relate to any claim or defense asserted in this dispute, Mark Besola, the Estate of Mark Besola, Besola Realty Enterprises or any property owned in conjunction with Mark Besola.

REQUEST FOR PRODUCTION NO. 9: Produce all documents reflecting communications from January 1, 2016 to present with Richard Perednia relating to the Estate of Mark Besola, Besola Realty Enterprises, whether involving direct communications or documents that were shared, copied or forwarded to him.

Julia battled against these claims in competing summary judgment motions that were filed in the litigation. (*Id.*, CP 1549-1712, 2590-2703.) The Estate also forced Julia to prepare a defense for trial against evidence concerning the partnership. (CP 4582-4589, Respondent's proposed trial exhibits 86, 112-114.)

H. Two Trials Before Probate of Fake December 2018 Will Was Terminated.

Nearly two years after Eric Pula filed the December 2018 Will, the Will contest was called for trial on February 22, 2021.

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<sup>14</sup> Personal Representative's First Discovery Requests to Julia Besola-Robinson, 7/17/2020.



(2-22-2021 RP 4; CP 6448.) Following years of discovery and motion practice, Julia filed her Witness and Exhibit List for trial, submitted her Trial Brief, and appeared for trial with the representation of her counsel. (CP 4582-4589, 5117-5128, 6403-6477.) Julia was also required through a Notice of Trial Attendance to testify as a witness for the Estate (CP 4582-4583.) Julia testified in support of the claims to invalidate the fake Will and in defense of the crossclaims brought against her. The trial concluded on March 2, 2021, and the Court made an oral ruling that the December 2018 Will was valid. (CP 6448.)

Julia and Amelia argued for reconsideration of the oral ruling based on the discovery during and after trial that Robyn Peterson, a witness to the December 2018 Will, had an account at a company named FormSwift. (4-2-2021 RP 19-21.) Ms. Peterson had testified during trial that she did not know what FormSwift was and that she did not have an account at FormSwift. (2-22-2021 RP 99.) FormSwift is a legal forms website on which customers can purchase customized estate

planning materials including Last Wills and Testaments. (CP 6283.) It was discovered after trial that Robyn Peterson had created an account at FormSwift on April 19, 2019, months after Mark had died and during the eviction proceedings at the Lake Tapps house belonging to Mark. (*Id.*) A document titled Last Will of Mark Lester Besola was created on this account. (CP 6284.) Another document titled Last Will of Mark Lester Besola was created on the Peterson FormSwift account on April 24, 2019. (*Id.*) The eviction hearing brought on by Amelia for Mark's Lake Tapps house occurred that same day. (*Id.*) Based on this evidence, the Court re-opened the trial so that Julia and Amelia could conduct further discovery. (4-2-2021 RP 22-24; CP 5635-5637.)

Over the next seven months Julia and Amelia engaged in discovery to get to the bottom of the FormSwift revelations. Julia's counsel prepared for depositions of representatives at FormSwift, Robyn Peterson, Eric Pula and James Garrett. (CP 6451-6462.) The time records of Julia's counsel describe the

strenuous efforts required to obtain further deposition testimony due to evasion by Robyn Peterson, the apparent disappearance of James Garrett, and the reluctance of Eric Pula. (*Id.*) These efforts included multiple motions and hearings to obtain Orders requiring appearances and discovery from these persons, most of which were resisted by the other respondent Kelly McGraw, requiring further litigation by Julia. (CP 5839-5849, 5920-5922, 5923-5931, 5932-5934, 5963-5966, 5970-5976, 6111-6114, 6452-6462.) At the same time, Julia was litigating against efforts by Estate counsel to be paid from Estate funds while the validity of the December 2018 Will was being contested. (CP 6452.)

Through these efforts, it was revealed that the April 2019 Will in Robyn Peterson's FormSwift account was strikingly similar to the substantive contents of the December 2018 Will that Robyn Peterson and Eric Pula filed with the Court in May 2019. (CP 6285.) Yet the Estate continued in its defense of the December 2018 Will and resisted efforts to vacate the pending probate, and the Court agreed with the Estate. (CP 5967-5969.)

Thus, Julia and Amelia were required to prepare for and participate in a second trial from November 1-2, 2021. (CP 6463.) During the trial, Julia's counsel examined witnesses Kelly McGraw and Eric Pula, who continued to testify in support of the December 2018 Will, and led the examination of expert Randall Karstetter who provided the evidence explaining the FormSwift account and Robyn Peterson's credit card payment for the suspect December 2018 Will. (11-1-2021 RP 38-42, 96-99; 11-2-2021 RP.)

Following closing arguments from Julia and Amelia contesting the December 2018 Will, and arguments from counsel for the Estate, Mr. Pula and Ms. McGraw supporting the December 2018 Will, the Court reversed its prior oral findings and conclusions. Due to the efforts of Julia and Amelia, the Court now agreed that the December 2018 Will was a fake and a fraud. Eric Pula, James Garrett, and Robyn Peterson had created, signed and filed the December 2018 Will knowing it was false and created it with an intent to deceive. (CP 6287.) Eric Pula's

testimony throughout the litigation was false, and he knowingly gave false testimony and intended the Court to act on his false testimony. (CP 6287-6288.) The December 2018 Will harmed the true beneficiaries of Mark's estate and the innocent beneficiaries of the fake Will and was the product of fraudulent conduct. (*Id.*, CP 6289.) The Court concluded that the Order admitting the 2018 Will to probate should be vacated. (*Id.*)

I. Attorneys' Fees Were Paid to Multiple Parties, Yet Julia Was Denied 96% of Her Fees and All Costs.

During the two-year litigation the Court approved payment of attorneys' fees and costs to parties supporting the fake December 2018 Will. Brandon Gunwall was awarded \$154,130.00 in fees and \$856.34 in costs following his successful summary judgment motion in 2020 (well before the trials). (CP 3780-3786.) Kelly McGraw was similarly awarded \$89,070.00 in fees and \$432.48 in costs for her successful summary judgment motion in 2020.

When Gordon Thomas Honeywell represented Eric Pula

as the personal representative for the Estate under the fake December 2018 Will, they requested approval of fees for the time period of November 2019 to November 2020 of \$535,945.00 and costs of \$30,238.66.<sup>15</sup>

At the conclusion of the final trial, the probate of the fake December 2018 Will was terminated and the Court determined that it was equitable to award Julia and Amelia their reasonable attorneys' fees and costs incurred in the litigation against Eric Pula. (CP 6293-6296, 6290-6292.) Amelia was awarded \$727,614.78 in fees and \$20,364.78 in costs against Mr. Pula (CP 6290-6292, 6399-6402.) The Court found that 2,050 hours of Amelia's attorney time was fair and reasonable considering the complexity, difficulty and entirety of the circumstances of the case. (CP 6400.)

Julia, in comparison, sought an award for 1,085.42 hours

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<sup>15</sup> Probate Cause No. 19-4-00016-6, 11/23/2020 Declaration of Stephanie Bloomfield in Support of Personal Representative's Motion to Pay Taxes, Attorneys Fees and Expenses, Appendix J.

of work by her attorneys, approximately 50% less than approved for Amelia's attorneys. Based on Julia's attorneys' hourly rates, this sum totaled \$513,231.70, with litigation costs of \$3,826.00. The Court, however, awarded Julia fees of \$20,000.00 and zero costs against Mr. Pula for the entirety of her attorneys' work over the course of the two-plus year litigation. (CP 6493-6495, 6496-6498.) This award amounts to less than 4% of the fees incurred.

Julia respectfully submits that the Court abused its discretion in making this fee and cost award and seeks reversal on appeal.

## V. SUMMARY OF ARGUMENT

While the Court had discretion in determining the amount of reasonable fees and costs to be awarded to Julia, the Court abused that discretion when it was exercised in a manner that was manifestly unreasonable, on untenable grounds, and for untenable reasons.

## VI. ARGUMENT

### A. Standard of Review.

On an appeal from a bench trial, review is limited to determining whether substantial evidence supports the trial court's findings of fact and, if so, whether the findings support the trial court's conclusions of law. *In re Washington Builders Ben. Tr.*, 173 Wn. App. 34, 65, 293 P.3d 1206, 1222-23 (2013); *City of Tacoma v. State*, 117 Wn.2d 348, 361, 816 P.2d 7 (1991). Substantial evidence is “a quantum of evidence sufficient to persuade a rational fair-minded person the premise is true.” *Sunnyside Valley Irrigation Dist. v. Dickie*, 149 Wn.2d 873, 879, 73 P.3d 369 (2003). Unchallenged findings of fact are verities on appeal. *Robel v. Roundup Corp.*, 148 Wn.2d 35, 42, 59 P.3d 611 (2002). It reviews de novo a trial court's conclusions of law. *Sunnyside*, 149 Wn.2d at 880, 73 P.3d 369.

A dual standard is applied when reviewing a trial court's award of attorney fees. *Gander v. Yeager*, 167 Wn. App. 638, 647, 282 P.3d 1100 (2012). A trial court's initial determination



of the legal basis for an award of attorney fees is reviewed de novo and a discretionary decision to award or deny attorney fees and the reasonableness of any attorney fee award is reviewed for an abuse of discretion. *Id.*

Here, the review of the reasonableness of the fee and cost award to Julia is based on the abuse of discretion standard.

B. Julia Is Entitled to an Increased Award of Attorneys' Fees and Costs Incurred in the Will Contest Litigation.

1. The Court Correctly Determined That It Was Equitable Under RCW 11.96A.150 to Award Julia Her Reasonable Attorneys' Fees and Costs Incurred in the Multi-Year Litigation Over Mark's \$5,000,000 Estate After It Was Proven That the December 2018 Will Was a Fake.

RCW 11.96A.150 grants a trial court broad discretion to award attorneys' fees and costs based on an equitable review of the circumstances and to effect justice. *In re Estate of Black* ("Black I"), 116 Wn. App. 476, 489, 66 P.3d 670 (2003), *aff'd on other grounds*, 153 Wn.2d 152, 102 P.3d 796 (2004).

At the conclusion of the trials, the Court entered Findings of Fact and Conclusions of Law on November 16, 2021,

determining that the probated Will was in fact a fake. (CP 6277-6289.) Further, the Court acknowledged that “the December 2018 Will harmed the true beneficiaries of the Estate as well as the innocent beneficiaries of the December 2018 Will.” (CP 6289.) The Court also found it was equitable to award Julia and Amelia their attorneys’ fees and costs incurred in the litigation pursuant to RCW 11.96A.150. (CP 6293-6296, 6290-6292.)

2. The Court Abused Its Discretion When It Refused to Approve Julia’s Requested Fees and Costs by Deciding That It Was Unreasonable for Julia to Defend Her Interests That Were at Stake in the Will Contest Litigation.

The Will contest was brought as a TEDRA proceeding under RCW 11.96A *et seq.* Julia was a named party to the proceedings as both a respondent and a crossclaim respondent. In TEDRA proceedings a “party” to the matter is defined liberally to include any person who has a legal or equitable interest in, or who holds a power or a claim with respect to, the subject of a matter. RCW 11.96A.030(5). “Party” includes any beneficiary who is a beneficiary or legatee of testate property;

each holder of a power relating to testate property; an heir of the decedent who owned intestate property; and each person who claims legal right, title or interest in property being subjected to probate. *Id.* Julia meets all these definitions of a party.

Our Supreme Court has repeatedly held that in the context of a Will contest, a party has sufficient interest where she had “a direct, immediate, and legally ascertained pecuniary interest in the devolution of the testator's estate, such as would be impaired or defeated by the probate of the will or benefited by the declaration that it is invalid.” *In re Estate of Becker*, 177 Wn.2d 242, 247, 298 P.3d 720 (2013); *see also In re Estate of O'Brien*, 13 Wn.2d 581, 583, 126 P.2d 47 (1942). A party has sufficient interest to participate in a TEDRA proceeding when it could affect her pecuniary interest in the estate’s devolution. *Matter of Madeline M. Thiede Tr.*,<sup>16</sup> 17 Wn. App. 2d 1060, *review denied*, 198 Wn.2d 1015, 495 P.3d 848 (2021), and *cert. denied sub nom.*

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<sup>16</sup> Unpublished non-binding authority; *see* Appendix N.

*Kovacevich v. Finch*, 142 S. Ct. 1364, 212 L. Ed. 2d 324 (2022).

RCW 11.96A.150 leaves the award of attorney fees to the discretion of the court which will not be interfered with unless “there are facts and circumstances clearly showing an abuse of the trial court's discretion.” *In re Estate of Black* (“*Black II*”), 153 Wn.2d 152, 173, 102 P.3d 796 (2004). Judicial discretion means “sound judgment which is not exercised arbitrarily, but with regard to what is right and equitable under the circumstances and the law” **to obtain a just result.** *State ex rel. Clark v. Hogan*, 49 Wn.2d 457, 462, 303 P.2d 290 (1956) (emphasis added). Discretion is abused when it is exercised in a manner that is manifestly unreasonable, on untenable grounds, or for untenable reasons. *Black I*, 116 Wn. App. at 489. A court's decision is manifestly unreasonable if it is outside the range of acceptable choices, given the facts and the applicable legal standard; it is based on untenable grounds if the factual findings are unsupported by the record; it is based on untenable reasons if it is based on an incorrect standard or the facts do not meet the

requirements of the correct standard. *In re Marriage of Littlefield*, 133 Wn.2d 39, 47, 940 P.2d 1362 (1997). All three elements of abuse of discretion are present here.

- a. The Amount of Julia's Attorneys' Fee And Cost Request Was Reasonable Because Julia Had Retained Counsel to Defend Her as a Party Sued in the Litigation.

The Court abused its discretion and based Julia's award of attorneys' fees on an incorrect standard and on untenable grounds. The Court wrongfully reasoned that Julia should have merely been a "witness" rather than participating as a party, because she only stood to lose if the fraudulent 2018 December Will was invalidated. (2-4-2022 RP, 14-16, 18-19.)

Julia was a named respondent in the litigation and crossclaims were filed against Julia by Eric Pula individually, Kelly McGraw individually, and the Estate. (CP 24-63, 64-86, 337-358, 3791-3819.) Julia was forced to litigate this matter through multiple hearings and motion practice brought by Mr. Pula as personal representative and the other respondents. (CP

601-611, 763-783, 784-799, 800-805 806-820, 821-829, 830-855, 863-865, 1988-1992, 2740-2746, 3058-3069,3070-3075, 3771-3779.)

As a named party in the TEDRA action, Julia was entitled to have legal representation to assist her with responding to discovery requests, present argument at almost weekly hearings, prepare and defend her in two depositions, participate in witness depositions, and prepare and represent her through two trials. Of note, the Court did acknowledge that Julia was entitled to have legal representation to represent her for depositions, motion practice, and through trial. (2-4-2022, RP 22-23.) However, the Court failed to acknowledge or account for the actual work necessary for that legal representation in its award of attorneys' fees and costs.

- b. The Amount of Attorneys' Fees and Costs That Julia Incurred Were Driven by the Motion Practice, Discovery Tactics and Litigation Strategy of the Conspirators Who Created the Fake Will and the Other Respondents.

The Court had broad discretion to award attorney fees and costs in such amount and manner as the Court determined to be equitable. *In re Estate of Earls*, 164 Wn. App. 447, 262 P.3d 832 (2011). In determining a fee award, the court can consider any facts it deems relevant. *In re Estate of Jones*, 170 Wn. App. 594, 612, 287 P.3d 610 (2012). One purpose in fashioning an award of attorneys' fees in trust and estate litigation is to make the beneficiary whole. *See Gillespie v. Seattle First Nat'l Bank*, 70 Wn. App. 150, 855 P.2d 680 (1993); *Baker Boyer Nat'l Bank v. Garver*, 43 Wn. App. 673, 719 P.2d 583 (1986).

Under RCW 11.96A.150, the Court had broad discretion to award Julia her reasonable attorneys' fees and costs as equitable given the circumstances. The Court's award of reasonable attorneys' fees and costs was manifestly unreasonable given that Julia's costs were driven by the strategy of the conspirators who created the fake 2018 December Will and the other respondents.

From the initiation of the Will Contest in October 2019,

through and beyond the conclusion of the second trial in November 2021, Julia was engaged in almost daily litigation against lawyers representing Eric Pula as an individual, Eric Pula as the Personal Representative, Brandon Gunwall, Kelly McGraw, two charities, and later lawyers representing Michael Smith as the successor administrator. The litigation included over 75 substantive motions, with motion hearings and oral argument occurring on an almost weekly basis from July 2020 through conclusion of the case. (Docket Report, Pierce County Superior Court, Cause No. 19-4-01902-9, Appendix L.)

Julia spent years answering discovery and defending herself and her interests in motion practice. Additionally, Julia was required to prepare for and appear at two separate trials regarding the fraudulent December 2018 Will created by Eric Pula. Julia was required to testify in support of her claims regarding the invalidity of the December 2018 Will and defend against the crossclaims brought against her by the Estate. (CP 4582-4589, 5117-5128, 6403-6477.)



The Estate and other respondents' actions drove the fees that Julia incurred in this litigation. The Estate refused to dismiss its crossclaim that Julia violated the no contest provision of the fraudulent December 2018 Will by objecting to Mr. Pula's appointment as personal representative and forced her to prepare and defend against the claim at trial (this was despite the discovery that Mr. Pula systematically stole \$200,000 from the estate's unblocked account and his subsequent removal as personal representative). (CP 5117-5128.) The record is clear that Julia was constantly placed a position where she was required to participate and defend herself with legal counsel in the litigation.

Julia was harmed due to the fraudulent actions taken by Pula and his conspirators, and justice requires that she be compensated for the fees and costs incurred in defending herself. After discovering the FormSwift evidence Julia and Amelia successfully re-opened the case for a second trial. The newly discovered evidence supported Amelia and Julia's position that

the December 2018 Will was a fake and not the true Will of their brother. To obtain a just result, Julia should be compensated for her fees and costs incurred from Pula's fraudulent acts.

During the litigation, the Court approved the payment of attorneys' fees and costs to parties' supporting the fake December 2018 Will.<sup>17</sup> The Court abused its discretion and failed to show sound judgment when it arbitrarily awarded Julia less than 4% of her attorneys' fees and costs without regard to what was right and equitable given the circumstances of this case. *Clark*, 49 Wn.2d at 462. It is manifestly unreasonable that the Court awarded McGraw and Gunwall their fees and costs but refused to award attorneys' fees and costs to Julia related to the harm she suffered in contesting and defending against the fake December 2018 Will.

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<sup>17</sup> Brandon Gunwall was awarded \$154,130.00 in fees and \$856.34 in costs following his successful summary judgment motion in 2020 (well before the trials). (CP 3780-3786.) Kelly McGraw was similarly awarded \$89,070.00 in fees and \$432.48 in costs for her successful summary judgment motion in 2020.

- c. As a Partner in Besola Enterprises, Julia Had a Duty and Right to Participate in Proceedings to Protect the Partnership and Her Partnership Interests.

Julia, Mark, and Amelia all held a partnership interest in Besola Enterprises -- the family's real estate business. (CP 4.) Under the 2018 December Will, the residue of Mark's estate and his partnership interest flowed to Pula, McGraw, and two charities. (Appendix K.) The Estate, led by Mr. Pula, supported the fake December 2018 Will in the litigation by alleging that partnership disputes among the siblings justified Mark's decision to disinherit his sisters. (CP 346-350.)

Julia, in her capacity as a partner of Besola Realty Enterprises, was deposed multiple times and forced to respond to two separate sets of discovery requests concerning the partnership. The Estate also forced Julia to defend against evidence at trial concerning the partnership. (CP 4582-4589, Respondent's proposed trial exhibits 86, 112-114.)

As a partner in Besola Enterprises, Julia had a right to

challenge the 2018 December Will and contest whether an interest in the partnership had been transferred to third parties. Julia was an agent of the partnership for the purpose of its business. RCW 25.05.100. Under RCW 25.05.105, Julia had the right to recover partnership property from a transferee (like the respondents) if the transfer under the Will was invalid. Given the Estate's position, Julia had the right, and an obligation to the partnership, to determine whether Mark's partnership interest properly transferred to Pula, McGraw, and the two charities under the December 2018 Will.

d. Julia Had Different Attorneys, Legal Status, Claims, and Defenses From Her Sister Amelia.

A trial court errs by failing to explain the amount of its award. *SentinelC3, Inc. v. Hunt*, 181 Wn.2d 127, 145, 331 P.3d 40 (2014). The trial court must supply findings of fact and conclusions of law sufficient to permit a reviewing court to determine why the trial court awarded the amount in question. *Id.* Trial courts must take an active role in assessing the

reasonableness of fee awards. *McLelland v. Paxton*, 11 Wn. App. 2d 181, 224, 453 P.3d 1 (2019).

To determine reasonable attorney fees, the trial court begins with a calculation of the “lodestar,” which equals the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate. *McLelland*, 11 Wn. App. 2d at 224. The court must limit the lodestar to hours reasonably expended, the court should discount hours spent on unsuccessful claims, duplicated effort, or otherwise unproductive time. *Id.*

(i) Julia’s Attorneys Performed Work Without Repetition or Redundancy.

The Court erred in failing to explain the amount of its award to Julia without providing any calculations that would permit a reviewing court to determine the reasonableness of Julia’s award. *SentinelC3*, 181 Wn.2d at 145.

Here, the Court concluded, without legal support, that Julia should have been a witness to the litigation and effectively should have let Amelia handle the litigation, rather than risking

the loss of her pecuniary interest under the fake 2018 December Will. The Court opined that counsel for Julia had effectively been acting as legal counsel for Amelia and not Julia due to the fact that Amelia gained a more substantial pecuniary interest through contesting the fake December 2018 Will. (CP 6497.)

However, the fee declarations from Julia and Amelia's counsel demonstrate that legal work performed by Julia's attorneys was not in representation of Amelia, nor was it redundant of the legal work performed by Amelia's legal counsel. (CP 6305-6308, 6309-6312, 6313-6315, 6316-6323, 6327-6345, 6368-6376, 6403-6477.) In a number of instances, Julia only filed motions or responses if it was necessary to protect her own individual legal or pecuniary interest and when the relief was different from what Amelia requested from the Court. (Id.)

The legal services provided to Julia were not duplicative of the actions taken by Amelia and were specifically tailored to address Julia's position as a beneficiary under the fake December 2018 Will, as a grantee of the Phoenix Stock, and as a partner in

Besola Enterprises. Amelia and Julia had different legal status regarding the devolution of Mark's Estate. Under Mark's 2012 Will, Amelia was left a substantial portion of Mark's Estate and was the Administrator of the Estate. Julia was an intestate beneficiary under the 2012 Will but did have the legal authority to pursue legal claims on behalf of the Estate. After the filing and probate of the fake December 2018 Will, Amelia was an heir and partner in Besola Realty Enterprises, while Julia was an estate beneficiary and a partner in Besola Realty Enterprises.

ii. Julia's Attorneys Successfully Provided Defense on Claims Specific to Julia.

Julia is entitled to an award of her attorneys' fees and costs for all the hours reasonably expended on litigating and defending against the fake December 2018 Will. Though not an explicit requirement of RCW 11.96A.150, courts generally consider whether a party seeking attorney fees prevailed in the proceeding. *See Foster v. Gilliam*, 165 Wn. App. 33, 58, 268 P.3d 945 (2011) (awarding attorney fees because the party

prevailed); *In re Guardianship of Lamb*, 154 Wn. App. 536, 549, 228 P.3d 32 (2009), *aff'd*, 173 Wn.2d 173, 265 P.3d 876 (2011) (denying attorney fees because the party did not prevail). Courts will generally deny attorney fees if the litigation did not benefit the estate or trust. *See Matter of Marital Tr. of Graham*, 11 Wn. App. 2d 608, 615, 455 P.3d 187, *review denied sub nom.*, 195 Wn.2d 1026, 466 P.3d 778 (2020).

At the conclusion of trial, the Court determined it was equitable to award **both** Julia and Amelia their reasonable attorneys' fees and costs incurred in the litigation against Eric Pula. (CP 6293-6296, 6290-6292.) The Court acknowledged that Julia's counsel was "an intelligent voice . . . had lots of really good things to add to this.. . ." (2-4-2022 RP, 18.) Despite acknowledging the contributions made to the litigation process by Julia, the Court arbitrarily reduced her request for attorneys' fees from \$513,231.70 to \$20,00.00 and awarded zero costs.

The Supreme Court of The United States has previously held that:



Where a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee. Normally this will encompass all hours reasonably expended on the litigation, and indeed in some cases of exceptional success an enhanced award may be justified. In these circumstances the fee award should not be reduced simply because the plaintiff failed to prevail on every contention raised in the lawsuit. ... Litigants in good faith may raise alternative legal grounds for a desired outcome, and the court's rejection of or failure to reach certain grounds is not a sufficient reason for reducing a fee. The result is what matters.

*Hensley v. Eckerhart*, 461 U.S. 424, 435-36, 103 S. Ct. 1933, 76 L. Ed. 40 (1983).

Julia successfully fought to have her brother's estate disbursed in accordance with his true wishes and should fully recover her attorneys' fees and costs. The Court abused its discretion by reducing Julia's award of attorneys' fees and costs due to her contesting the fake December 2018 Will to her own pecuniary detriment and her inheriting nothing under the 2012 Will. (CP 6496-6498.) The Court's position that Julia should have capitalized on the fake December 2018 Will is manifestly unreasonable, based on untenable grounds, and made for

untenable reasons. (*Id.*)

Julia's actions directly benefitted Mark's Estate and determined the devolution of the Estate. The impact on Julia's pecuniary interest from contesting the fake Will is not an equitable ground upon which the Court should have reduced her attorneys' fees and costs.

- e. Julia's Attorneys Incurred Less Than 50% of the Hours Incurred by Amelia But the Court Approved 100% of the Fee and Cost Request Made by Amelia.

Review of a trial court's award of attorney fees is a fact-specific inquiry; the reasonableness of fees depends on the circumstances of each case. *Seattle-First Nat. Bank v. Washington Ins. Guar. Ass'n*, 94 Wn. App. 744, 761, 972 P.2d 1282 (1999). Washington courts have routinely held that the "estate benefits when all competing interests of all potential beneficiaries are resolved, regardless of the outcome." *Black I*, 116 Wn. App. at 490.

The Court found that 2,050 hours of Amelia's attorney

time was fair and reasonable considering the complexity, difficulty and entirety of the circumstances of the case. (CP 6400.) Julia expanded half that time and sought an award of \$513,231.70 for the 1,085.42 hours of work performed by her attorneys over the course of two trials spanning over two years of active litigation. (CP 6493-6495, 6496-6498.) However, the Court arbitrarily awarded Julia \$20,000 despite acknowledging that Julia and Amelia prevailed in proving the fraudulent nature of the 2018 December Will.

Julia's requested fees were reasonable given the complicated facts surrounding the creation of the fake December 2018 Will and the following litigation spurred by Mr. Pula and his co-conspirators. The Court abused its discretion by awarding Julia less than 4.0% of her fees.

- f. The Court's Award Was Untenable in That It Did Not Even Compensate Julia for the Fees and Costs Incurred by Her Attorneys During the Days of Trial in the Case.

On appeal, the Court will reverse an award of attorney fees

if the record fails to mention the method the Court used to calculate fees or if the court used an improper method. *Seattle-First Nat. Bank*, 94 Wn. App. at 761.

The Court abused its discretion by reducing Julia's actual fees from \$513,231.70 to \$20,000.00 on untenable grounds. The Court's award is in direct conflict of its own holdings and failed to acknowledge the extensive record of the litigation. On February 4, 2022, the Court held:

To represent Julia in this thing was a fairly minimal task...to the extent she needed to monitor this, fair enough. To the extent she wanted a lawyer present for her deposition and so on or at trial, that's fine too.

(2-4-2022 RP, 22.) The \$20,000.00 award fails to even compensate for the actual daily costs Julia incurred during the trials, let alone in depositions, pre-trial motions and discovery directly involving or brought against Julia.

The Court arbitrarily awarded \$20,000.00 to Julia in attorneys' fees and costs without any rational basis. While indicating that it was reasonable for Julia to have legal

representation at depositions, hearings, and trial, the Court did not award fees for that representation **despite acknowledging those were reasonable costs to award.**

C. Julia Besola Is Entitled to an Award of Her Reasonable Attorney Fees on Appeal Under RAP 18.1 and RCW 11.96A.150.

Julia requests an award of attorney fees on appeal under RAP 18.1 and RCW 11.96A.150. Under RAP 18.1(a), the Court may award a party -- who so requests -- attorney fees if applicable law provides for such an award. *In re Estate of Mower*, 193 Wn. App. 706, 729, 374 P.3d 180 (2016). RCW 11.96A.150(1) states:

Either the superior court or any court on an appeal may, in its discretion, order costs, including reasonable attorneys' fees, to be awarded to any party: (a) From any party to the proceedings; (b) from the assets of the estate or trust involved in the proceedings; or (c) from any nonprobate asset that is the subject of the proceedings.

Though not an explicit requirement of RCW 11.96A.150, courts generally consider whether a party seeking attorney fees prevailed in the proceeding. *See Foster v. Gilliam*, 165 Wn. App.

33, 58, 268 P.3d 945 (2011) (awarding attorney fees because the party prevailed); *In re Guardianship of Lamb*, 154 Wn. App. 536, 549, 228 P.3d 32 (s2009), *aff'd*, 173 Wn.2d 173, 265 P.3d 876 (2011) (denying attorney fees because the party did not prevail). Courts will generally deny attorney fees if the litigation did not benefit the estate or trust. *See Matter of Marital Tr. of Graham*, 11 Wn. App. 2d 608, 615, 455 P.3d 187, *review denied sub nom.*, 195 Wn.2d 1026, 466 P.3d 778 (2020).

Under RAP 18.1 and RCW 11.96A.150, Julia should be awarded her reasonable attorney fees and costs related to bringing this appeal. Julia's entire participation in the case at the trial court level was a benefit to Mark Besola's estate. Julia should not now be further penalized for the bad actions of others that forced her into actively participating in the TEDRA action to ensure her brother's estate was distributed per his wishes.

Under RAP 18.1 and RCW 11.96A.150, if Julia is successful in this appeal, then she should be awarded her reasonable attorney fees and costs incurred in the appeal.

## VII. CONCLUSION

The Court abused its discretion when awarding Julia her reasonable fees and costs by basing the award on manifestly unreasonable facts, on untenable grounds, and for untenable reasons. Julia respectfully requests that this Court award her reasonable fees and costs that equitably cover the sums expended for defending against the fake December 2018 Will.

Respectfully submitted this 31<sup>st</sup> day of August, 2022

I certify under RAP 18.17(c)(2) that  
this brief contains 8,426 words.

LASHER HOLZAPFEL  
SPERRY & EBBERSON PLLC



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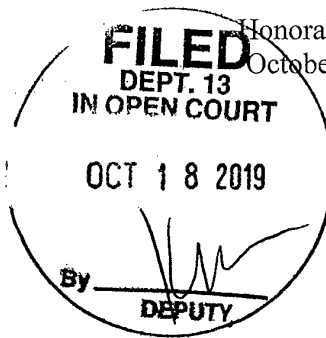
CERTIFICATE OF SERVICE

I certify that on August 31, 2022, I caused a copy of the foregoing document to be served via the Washington State appellate E-Portal, and sent by certified mail, postage prepaid, to Eric Pula at 435 S. Fawcett, Apt. 104, Tacoma, WA 98402, on June 24, 2022.

The foregoing statements are true and correct and made under penalty of perjury under the laws of the State of Washington, at Seattle, WA, on August 31, 2022.

/s Krystalin Williams  
Krystalin Williams





Honorable Kathryn J. Nelson  
October 18, 2019 at 9:00 am

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY PIERCE

In the Matter of the Estate of

MARK LESTER BESOLA,

Deceased.

No. 19-4-00016-6

ORDER ON AMELIA BESOLA'S MOTION  
FOR REVISION OF COMMISSIONER'S  
SEPTEMBER 26, 2019 ORDER 1)  
ADMITTING WILL TO PROBATE; 2)  
REVOKING LETTER'S TESTAMENTARY;  
3) GRANTING LETTERS  
TESTAMENTARY OR LETTERS OF  
ADMINISTRATION WITH WILL  
ANNEXED

[PROPOSED]

THIS MATTER, having come before the Court upon Amelia Besola's Motion For  
Revision Of Commissioner's September 26, 2019 Order 1) Admitting Will To Probate; 2)  
Revoking Letter's Testamentary; 3) Granting Letters Testamentary Or Letters Of Administration  
With Will Annexed, and this Court having considered the oral arguments of counsel and the  
pleadings, records, and files contained herein, now therefore the Court enters the following

**ORDER:**

Amelia Besola's Motion For Revision Of Commissioner's September 26, 2019 Order 1)  
Admitting Will To Probate; 2) Revoking Letter's Testamentary; 3) Granting Letters  
Testamentary Or Letters Of Administration With Will Annexed, is hereby DENIED.

It is Further ORDERED:

ORDER ON BRANDON GUNWALL'S  
MOTION FOR REVISION

-1-



MORTON  
McGOLDRICK  
ATTORNEYS AT LAW

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A. ~~Brandon Gunwall is hereby granted his costs and fees incurred in responding to this Motion for Revision in an amount to be established by the filing of a supplemental declaration of costs and fees.~~

MEM

B. ~~① Eric Pula is appointed Personal Representative with~~ <sup>MUST post a</sup>  
bond in the amount of \$1250,000 to be posted after  
the turnover of Estate; Ms Amelia Besola ~~is not~~ <sup>remains discharge</sup>

MEM

as of September 26, 2019 ~~except for liability for acts until date of~~ <sup>turnover of</sup>  
C. The request ~~for~~ <sup>for</sup> attorneys fees and costs is ~~denied~~ <sup>administered</sup>  
Denied.

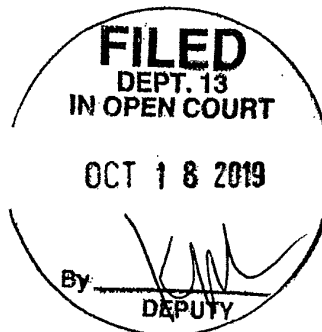
MEM

D. This order is without prejudice to a W.II contest  
and the issues raised and argued before this  
DATED this 18 day of October, 2019.

court related to the will.

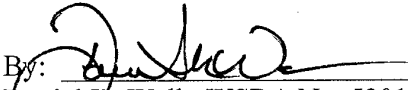
  
Honorable Judge Kathryn J. Nelson

on 10/18/2019



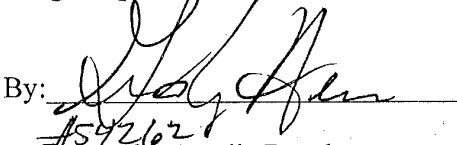
1 **Presented by:**

2 Morton McGoldrick, PLLC

3 By:   
4 Daniel K. Walk, WSBA No. 52017  
5 Attorneys for Brandon Gunwall  
6 Morton McGoldrick, PLLC  
820 A Street, Suite 600  
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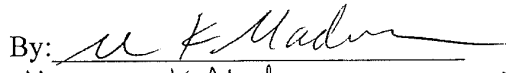
7 **Approved for Entry:**

8 Ledger Square Law, P.S.

9 By:   
10 Elizabeth C. Thompson, WSBA No. 32222  
11 Attorneys for Eric Pula, Personal  
12 Representative of the Estate of Mark Lester  
13 Besola  
14 Law Offices of Elizabeth Thompson, PLLC  
15 P.O. Box 1652  
16 Milton, WA 98354

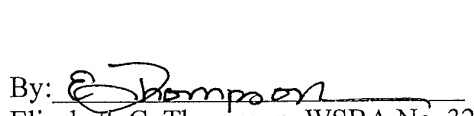
**Approved for Entry:**

Smith Alling, PS

By:   
Morgan K. Madison, WSBA 46388  
Attorneys for Amelia Besola  
Smith Alling, PS  
1501 Dock Street  
Tacoma, WA 98402

**Approved for Entry:**

Law Offices of Elizabeth Thompson, PLLC

By:   
Elizabeth C. Thompson, WSBA No. 32222  
Attorneys for Eric Pula, Personal  
Representative of the Estate of Mark Lester  
Besola  
Law Offices of Elizabeth Thompson, PLLC  
P.O. Box 1652  
Milton, WA 98354



Hearing Date: November 22, 2019  
Hearing Time: 1:30 PM  
Commissioner's Calendar

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE**

In the Matter of the Estate of:

MARK LESTER BESOLA,

Deceased.

NO. 19-4-00016-6

OBJECTION TO GRANT OF  
LETTERS TESTAMENTARY

COMES NOW Julia Besola-Robinson by and through her attorneys Lasher Holzapfel Sperry & Ebberson, PLLC and objects to the issuance of Letters Testamentary to Mr. Eric Pula or Ms. Kelly McGraw pursuant to RCW 11.28.020. The conflicts at issue in this Estate involving Mr. Pula and Ms. McGraw are of such an intense degree that the Court should refuse to issue Letters to either of them and instead should appoint a neutral third party to administer the Estate.

**I. STATEMENT OF FACTS**

The Decedent, Mark L. Besola, died while a resident of Pierce County, Washington, on January 1, 2019. On January 3, 2019 Amelia Besola, Mark's sister, petitioned the Court for

OBJECTION TO GRANT OF LETTERS  
TESTAMENTARY - 1  
{22520/29814/V1022495.DOCX}

LASHER  
HOLZAPFEL  
SPERRY &  
EBBERSON

ATTORNEYS AT LAW  
2600 TWO UNION SQUARE  
601 UNION STREET  
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Fax 206 340-2563

1 Letters of Administration, believing that Mark had died intestate. On January 7, 2019 Amelia<sup>1</sup>  
2 obtained Letters of Administration and began executing her duties as Administrator.

3  
4 Four months later, on May 8, 2019, Mr. Brandon Gunwall filed a December 6, 2018  
5 Last Will and Testament of Mark Lester Besola (the "Will"), representing that it was Mark's  
6 last Will. That Will nominates Mr. Pula as the Personal Representative for the Estate and  
7 nominates Kelly McGraw as the successor or alternate Personal Representative. The Will  
8 provided that the Personal Representative should serve without bond and without court  
9 intervention.  
10

11  
12 Julia Besola-Robinson is Mark's older sister. Julia is a named beneficiary, heir, legatee  
13 and devisee of the Will as recognized in Mr. Pula's September 16, 2019 Petition For: 1) Probate  
14 of Will; 2) Revocation of Letters of Administration; 3) Issuing of Letters Testamentary or  
15 Letters of Administration with Will Annexed (the "Petition").  
16

17  
18 Julia was not provided notice of the proceedings brought by Mr. Pula to have himself  
19 appointed as the Personal Representative for the Estate, as evidenced by Mr. Pula's September  
20 16, 2019 Certificate of Service for his Petition.

21  
22 On September 26, 2019 this Court issued its Order: 1) Admitting Will to Probate; 2)  
23 Revoking Letters of Administration; 3) Granting Letters Testamentary or Letters of  
24 Administration with Will Annexed. Julia was not present at, nor did she participate in, the  
25

26  

---

<sup>1</sup> First names will be used for ease of reference. No disrespect is intended.



1 hearing on September 26, 2019. The terms of this Order provided that Mr. Pula would be  
2 issued Letters Testamentary and would not be required to file a bond of any sort.

3  
4 On October 7, 2019 Amelia filed her Motion for Revision of the Commissioner's  
5 September 26, 2019 Order. After further briefing by the parties and a hearing, the Hon.  
6 Katherine J. Nelson entered an October 18, 2019 Order on Amelia Besola's Motion for  
7 Revision, directing that contrary to the terms of the Will, the circumstances required that Mr.  
8 Pula "*must post a bond in the amount of \$250,000 to be posted after the turnover of Estate*"  
9 and prior to the issuance of letters testamentary. Julia was not provided notice of this hearing  
10 and did not participate in this hearing.  
11  
12

13 Before and following entry of the orders appointing Mr. Pula and requiring him to post  
14 a bond, Mr. Pula has been embroiled in contentious civil and criminal proceedings involving  
15 Mark, Mark's Estate, and roommates/colleagues of Mr. Pula including: (1) a Petition to  
16 Contest Will of Mark L. Besola, Pierce County Superior Court Cause No. 19-4 -01945-2 (the  
17 "Will Contest"); (2) a TEDRA Petition against Mr. Pula's friend and former roommate  
18 Brandon Gunwall alleging undue influence and vulnerable adult exploitation of Mark, Pierce  
19 County Superior Court Cause No. 19-4-01902-9; and (3) a federal suit seeking to restrain  
20 distribution of Estate non-probate assets from New York Life Insurance Co., U.S. District  
21 Court, Western District of Washington Cause No. 2:19-CV-00226-RSL.  
22  
23  
24

25 The Will Contest describes some of the astonishing circumstances surrounding the Will  
26 that names Mr. Pula as personal representative of this Estate, including the fact that on

1 December 1, 2018 Mr. Pula shot two men with a stolen gun, killing one of them, inside Mark's  
2 home just five days before Mark purportedly signed the Will, and less than one month before  
3 Mark died shortly after being dumped on the curb at the Auburn Medical Center in an  
4 unconscious state. Additional details of the December 1, 2018 shooting by Mr. Pula were  
5 described in a probable cause declaration filed in a related criminal proceeding and a Pierce  
6 County Sheriff's Report.  
7  
8

9 Further, Mr. Pula's current state of affairs must raise serious concerns about his ability  
10 to serve in his fiduciary role:  
11

- 12 • An active warrant exists for Mr. Pula's arrest (failure to appear in Court from  
13 Tukwila for his unlawful possession of a firearm charges)
- 14 • Mr. Pula was present at the Estate property when significant waste was  
15 committed and took no steps to prevent the waste  
16
  - 17 ○ \$300,000 of damage was caused to Estate property, and the area where  
18 Mr. Pula was living was completely gutted
- 19 • Mr. Pula has a conflict of interest in pursuit of Estate claims (damage to property  
20 etc. and potential as a defendant for recovery of damages)
- 21 • Mr. Pula's historical ties to people living on the Estate property make him unfit  
22 to protect Estate assets (friends with Brandon Gunwall; associated with others)  
23  
24  
25  
26

- 1 • Mr. Pula's current residential status and lack of reliable communication makes
- 2 him unfit to serve as PR (believed homeless with no reliable phone)
- 3
- 4 • Mr. Pula is alleged to have engaged in criminal activity on December 1, 2018 by
- 5 being in possession of stolen firearm. Incident No. 1833501917.1<sup>2</sup>
- 6
- 7 • Mr. Pula was alleged to be engaged in criminal activity on January 2, 2019 when
- 8 he was stopped for driving with suspended license; Incident No. 1900200085.1<sup>3</sup>
- 9
- 10 • Mr. Pula was alleged to be engaged in criminal activity on January 25, 2019
- 11 when a stolen weapon was discovered in a vehicle possessed by Mr. Pula during
- 12 Incident No. 190020085.1; Incident No. 1900200085.2<sup>4</sup>
- 13
- 14 • Mr. Pula was alleged to be engaged in criminal activity on January 27, 2019
- 15 during a break in to the towing yard where his car had been impounded; Incident
- 16 No. 1902700003 (page 90-91)<sup>5</sup>
- 17
- 18 • Mr. Pula was alleged to be associated with criminal activity on February 3, 2019
- 19 when he was reportedly in or around a vehicle while another individual was
- 20 arrested for possession of amphetamines and unlawful possession of a firearm;
- 21 Incident No. 1903400473.1
- 22
- 23
- 24

25 <sup>2</sup> Wildsmith Declaration Exhibit 10

26 <sup>3</sup> Wildsmith Declaration Exhibit 7

<sup>4</sup> Wildsmith Declaration Exhibits 7-9, 11-14

<sup>5</sup> Wildsmith Declaration Exhibits 1-6, 11-14



- Mr. Pula is a defendant in eviction proceedings concerning Estate property, and is subject to an Order finding him in Unlawful Detainer re: Estate Property in Cause No. 19-2-06937-1 (May 14, 2019 Order).

The successor Personal Representative Kelly McGraw is similarly unsuited to serve. Ms. McGraw was a roommate of Mr. Pula and Mr. Gunwall at Mark's residence, and like Mr. Pula is a defendant in the action brought to evict the inhabitants at the Estate property, for which significant claims of damage to the residence remain unresolved and will have to be litigated on behalf of the Estate by the personal representative.

## **II. STATEMENT OF ISSUES**

1. Should the Court refuse to issue letters testamentary to Mr. Pula, similarly refuse appointment of Kelly McGraw, and instead appoint a neutral third party to serve as Personal Representative, when there is substantial evidence that Mr. Pula and Ms. McGraw are surrounded by issues that create conflicts of interest, interfere with their fiduciary duties, and are unfit to serve?

## **III. EVIDENCE RELIED UPON**

1. The file and record in Pierce County Superior Court Cause No. Cause No. 19-2-06937-1.
2. The file and record in Pierce County Superior Court Cause No. 19-4 -01945-2.
3. The file and record in Pierce County Superior Court Cause No. 19-4-01902-9.

- 1           4.     The file and record in U.S. District Court, Western District of Washington Cause  
2                     No. 2:19-CV-00226-RSL.  
3  
4           5.     The Declaration of Quentin Wildsmith.

5                     **IV.     LEGAL AUTHORITY AND ARGUMENT**

6           Probate courts have “broad discretion” over matters pertaining to the appointment and  
7 removal of personal representatives under title 11 RCW. *Matter of Aaberg's Estates*, 25 Wn.  
8 App. 336, 340, 607 P.2d 1227 (1980). RCW 11.28.020 authorizes a court to refuse an  
9 appointment under a broad array of circumstances, including when, as here, there is evidence  
10 that the named personal representative has conflicts of interest that interfere with his fiduciary  
11 duties and is unfit to serve. Further, RCW 11.28.020 objections incorporate, but are not limited  
12 to, the bases for disqualification under RCW 11.36.010.  
13

14  
15           *In re Langill's Estate*, 117 Wash. 268, 201 P. 28 (1921), directly supports the relief  
16 sought here. *Langill's Estate* involved an objection to the appointment of an executor that was  
17 filed pursuant RCW 11.28.020's predecessor statute, Section 48 of the Probate Code of 1917.  
18 Like Julia's objection here, the objection at issue in *Langill's Estate* was not tied to the  
19 disqualification statute RCW 11.28.250. Rather, like Julia's objection, the objection was  
20 addressed to the personal representative's general character such that it indicated an inability  
21 to carry out his fiduciary duties and administer the estate in the best interests of the  
22 beneficiaries. In *Langill's Estate* the court sustained the objection and appointed a different  
23 party to administer the estate. *Langill*, at 268.  
24  
25  
26

1 On appeal in *Langill*, the named personal representative raised the argument that an  
2 appointment can only be refused when the prospective appointee is disqualified under the  
3 disqualification statute. *Id.*, at 269. The Supreme Court rejected that argument, explaining that  
4 probate courts' authority over the appointment process extends far beyond the disqualification  
5 statute, and allows courts to consider any objection that implicates the fairness of the process  
6 to the beneficiaries:  
7

8  
9 The appellant contends that these provisions of the [disqualification] statute are  
10 mandatory; that the enumeration of certain disqualifications by the statute  
11 precludes the idea that other disqualifications may exist; and that in determining  
12 who may be appointed as an executor or administrator, the courts are without  
13 power or right to adjudge a person disqualified on grounds which the statute  
14 does not make disqualifications.

15 We are unable to agree with these contentions. The statute, while it defines  
16 certain things as disqualifications, does not say in terms, nor do we think by  
17 necessary implication, that there shall be no other. The purpose of  
18 administration is to preserve the estate, and cause it to pass to the heirs and  
19 distributees without waste or loss, and without undue delay. In appointing an  
20 administrator the court acts judicially, not ministerially, and it is as much its  
21 judicial duty to guard an estate against possible waste and loss as it is to take  
22 action against waste and loss after it has occurred. *Id.*

23 It is accepted that a court may refuse to appoint a proposed representative upon a showing of  
24 a conflict which would impair the rights of beneficiaries. The ultimate objective of the court  
25 in appointing a representative is to ensure the proper distribution of the estate by protecting  
26 the rights of the beneficiaries and preventing waste of the estate. *In re Estate of Jones*, 152  
Wn.2d 1, 19, 93 P.3d 147 (2004). A personal representative must ensure that the estate is  
properly and impartially passed on to beneficiaries. *In re Stotts' Estates*, 133 Wash. 100, 105,



1 233 P. 280 (1925). When there is a conflict which threatens to impair the rights of the  
2 beneficiaries, that potential representative should be disqualified. *Jones*, 152 Wn.2d at 19.

3  
4 Here the best course of action is to appoint a neutral third-party to serve as executor of  
5 the Estate. A suitable person who is not Mark's family member, roommate, or beneficiary of  
6 his Estate should be appointed when all of the above described litigation and criminal concerns  
7 will result in continuous disputes and loss to the Estate. See *In re Thomas' Estate*, 167 Wash.  
8 127, 133-34, 8 P.2d 963 (1932).

9  
10 The Court in this case has already decided that appointing Mr. Pula creates significant  
11 concern such that the Court ordered Mr. Pula to post a \$250,000 bond, overriding the terms of  
12 the Will which stated that no bond is necessary. Along these lines, the Court should also  
13 recognize that there is no fundamental right to serve as the executor of an estate. Once again,  
14 our Supreme Court's decision in *Langill's Estate* is instructive.

15  
16  
17 *Langill's Estate* holds that the beneficiaries of an estate are entitled to "have [the] estate  
18 administered and distributed in accordance with the law." 117 Wash. at 270. This is a primary  
19 right that trumps the rights of all other interested parties - including the named executor's right  
20 to administer the estate. *Id.* Accordingly, when a conflict and concerns arise between the  
21 named executor's right to administer the estate and the beneficiaries' right to have the estate  
22 administered in their best interests, the named executor's right must yield:

23  
24  
25 It is true that the right to administer an estate is a valuable right. But, to  
26 paraphrase the language of Mr. Justice Woods ... no right is arbitrary or  
unqualified by a correlative right. The right of those interested to have an estate

1 administered and distributed in accordance with law is the dominant right; the  
2 right of any particular person to administer the estate is a secondary right. When  
3 the allowance of the claim to exercise this secondary right may result in  
4 defeating the primary right, it should be refused. *Id.* at 269-70 (internal citation  
omitted).


5 The statement above directly applies to this case. Mr. Pula or Ms. McGraw's right to  
6 administer the Estate must yield to Julia's right to have the Estate administered in her best  
7 interests as a beneficiary. Being embroiled in Estate related litigation and criminal  
8 proceedings, Mr. Pula and Ms. McGraw can hardly contest the request that a third party neutral  
9 serve as Personal Representative.  
10

11  
12 **V. PROPOSED ORDER**

13 For the reasons stated herein, Estate beneficiary Julia Besola-Robinson requests entry  
14 of an Order denying issuance of letters testamentary to Mr. Pula or to Ms. McGraw, and instead  
15 appointing a neutral third-party Personal Representative. A proposed order is submitted  
16 herewith.  
17

18 DATED this 6 day of November, 2019.

19  
20 LASHER HOLZAPFEL  
SPERRY & EBBERSON PLLC

21   
22 \_\_\_\_\_  
23 Quentin Wildsmith, WSBA No. 25644  
24 Attorney for Julia Besola-Robinson  
25  
26

**CERTIFICATE OF SERVICE**

I, Cheryl A. Knudsen, hereby declare as follows:

1. I am a citizen of the United States and a resident of the state of Washington. I am over the age of 18 years and not a party to the within action. I am employed by the law firm of Lasher Holzapfel Sperry & Ebberson PLLC, 601 Union Street, Suite 2600, Seattle, WA 98101.

2. On the 13<sup>th</sup> day of November, 2019, I caused to be served upon counsel of record and all parties entitled to notice, at the address(es) and in the manner described below, the foregoing Objection:

Via U.S. Mail and Via Email:  
*Attorney for Eric Pula:*  
Elizabeth Thompson  
Law Office of Elizabeth Thompson PLLC  
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Via U.S. Mail and Via E-Mail  
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Via U.S. Mail and Email:  
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Seattle, Washington this 13<sup>th</sup> day of November, 2019.



Cheryl A. Knudsen

1  
2  
3  
4  
5  
6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
7 IN AND FOR THE COUNTY OF PIERCE

8 In the Matter of the Estate of:

No. 19-4-00016-6

9 MARK LESTER BESOLA,

10 Deceased.

PETITION FOR ORDERS TO ISSUE  
CITATION, REMOVING PERSONAL  
REPRESENTATIVE & APPOINTING  
SUCCESSOR ADMINISTRATOR

11 **I. PETITION FOR ORDER FOR CITATION**

12 Dr. Amelia Besola respectfully moves the Court for an Order to Issue Citation to the  
13 Personal Representative of the above-captioned Estate, to show cause as to why he should not be  
14 removed pursuant to RCW 11.68.070 and RCW 11.28.250. The following sets forth the grounds  
15 for Mr. Pula's removal and asks the Court to appoint an independent Administrator.

16 **II. INTRODUCTION**

17 The will admitted to probate in the Estate of Mark Besola is contested.

18 The contested will names Eric Pula as personal representative. Mr. Pula is unsuitable to  
19 serve as personal representative since has insurmountable conflicts of interest between his personal  
20 interests in the Estate and his fiduciary duties; he is regularly and repeatedly involved in criminal  
21 activity, at times involving Estate assets; he has taken positions in the related litigation proceedings  
22 contrary to Estate interest; he committed waste of Estate assets prior to his appointment; and he has  
23



1 not provided proof that he can appropriately manage an Estate of this magnitude. The Court should  
2 remove Mr. Pula. A third-party neutral should be appointed.

### 3 **III. STATEMENT OF FACTS**

#### 4 **A. Procedural History.**

5 Mark Besola died on January 1, 2019. His sister (Dr. Amelia Besola) was appointed  
6 Administrator of the intestate probate on January 3 with bond. She posted her bond on January 7.

7 On May 8, 2019, the contested will was filed. On September 16, Brandon Gunwall  
8 petitioned to admit the will to probate. Over the objection of Dr. Besola the will was admitted, the  
9 trial court later denied a motion to revise and appointed Mr. Pula as Personal Representative on  
10 October 18. Mr. Pula was ordered to post a bond in the amount of \$250,000. He has not yet filed  
11 a bond.

12 On November 13, Julia Besola-Robinson, the other sister of the decedent Mark Besola and  
13 named beneficiary in the contested will, filed an Objection to the Grant of Letters Testamentary to  
14 Eric Pula. Ms. Besola-Robinson ostensibly argued that Mr. Pula's hostility and conflict with Estate  
15 beneficiaries and heirs at law justify the non-issuance of letters testamentary. The hearing was  
16 properly noted before Commissioner Gelman, who reserved ruling on almost all issues, and ordered  
17 the parties to re-note and present the opposition to Judge Nelson on the same topics.

18 Dr. Besola had submitted pleadings in support of the opposition of the issuance of letters  
19 testamentary. Dr. Besola renews and incorporates her arguments in this briefing, but also expands  
20 the presentation of evidence to include grounds for removal under RCW 11.28.250.

#### 21 **B. Additional Facts Learned, or Having Occurred Since October 18 Hearing.**

22 Dr. Besola has learned additional facts, and additional facts have developed since the  
23



October 18 hearing admitting the Will to probate and appointing Mr. Pula Personal Representative. These new facts justify Mr. Pula's removal.

**1. Failure to Obtain Bond.**

Mr. Pula was ordered to obtain a \$250,000 bond. He has yet to file any bond with the Court. On December 2, Mr. Pula's counsel informed counsel for Dr. Besola that he seeks to use Estate assets to pledge as security for the bond needed for the issuance of Letters Testamentary. *See* Decl. of Stuart C. Morgan. This defies logic. Such a circular reasoning puts the assets of the Estate in jeopardy unnecessarily, should the surety need to execute on its security. The purpose of a bond is to protect the Estate beneficiaries in the event of wrongful conduct or distribution by the personal representative. The bond is particularly necessary in a case where there is a will contest because the personal representative may in good faith, make wrongful distribution of Estate assets to beneficiaries under a will that is later invalidated.

A bond is particularly necessary in this case where the Estate beneficiaries were living in the Estate real property until evicted. It appears there is no security to offer for bonding by Mr. Pula, which implies there are no assets to satisfy a judgment for potential wrongful conduct as personal representative, or as a beneficiary who wrongfully received Estate assets. The reasonable inference from Mr. Pula's suggestion to use Estate assets for the bond is that he cannot obtain a bond on his own. He should not injure the Estate by pledging Estate assets.

**2. Positions Contrary to Estate Interests.**

In the related cases, Mr. Pula has repeatedly taken positions contrary to the Estate interests. Not only does he propose to jeopardize Estate assets by pledging these assets for a bond, but he has ignored strong evidence of harm to the Estate and potential Estate claims for recovery of assets stolen or dissipated during Mark's life.

1 In support of her motion for a temporary restraining order to restrict distribution of non-  
2 probate assets to Brandon Gunwall, Dr. Besola presented evidence that Mark's Wells Fargo  
3 accounts were being used while he was on his death bed, and after he died. *See October 30, 2019*  
4 *Decl. of Amelia Besola filed in Cause Number 19-4-01902-9*. More than \$20,000 were withdrawn  
5 from Mark's accounts during this period. *Id.* Despite being presented with evidence of wrongful  
6 dissipation of Estate assets, Mr. Pula actively advocated for the release of the Fidelity accounts, and  
7 has made no apparent effort to identify who wrongful stole from Mark, or pursue a claim against  
8 such person. *See PR's Response to Besola's Motion for Injunctive Relief filed in Cause No. 19-4-*  
9 *01902-9*.

10 Mr. Pula's opposition to the restraining order of Mark's non-probate assets was injurious to  
11 the Estate because the Estate is illiquid, and has a substantial tax obligation coming due. *See*  
12 *November 19, 2019 Decl. of Richard Perednia*. If Mr. Pula cannot liquidate assets to pay the tax  
13 obligation, interest will accrue. As advised by letter from Ms. Besola-Robinson's counsel, the  
14 Fidelity funds were subject to satisfaction of Estate debts, until the order releasing this asset to  
15 Brandon Gunwall was entered. *See Decl. of Morgan K. Madison, Ex. 1*. Now, Mr. Pula cannot  
16 access these funds to satisfy debts.

17 **3. Ongoing Suspicious Activity at Estate Properties.**

18 After Mr. Pula was evicted, the tenant at Mark's former house experienced a number of  
19 attempted forced entries to the property and break-ins, and witnessed evidence of trespassing. *See*  
20 *Decl. of Kevin Curry at ¶¶28-33*. After Mr. Pula was appointed Personal Representative, additional  
21 incidents occurred at Mark's former home with more frequency. *Id.* at ¶34. Someone drove onto  
22 the property and attempted to pull into the garage. *Id.* The same night, an individual tried to break  
23 the lock on the front gate. *Id.*

1     **4.     Mr. Pula’s Criminal Activity and Growing Arrest Record.**

2             Mr. Pula is apparently an active methamphetamine user.<sup>1</sup> On December 1, 2018, Mr. Pula  
3     shot and killed a person who had entered Mark’s home. *See* Decl. of Amelia Besola; Ex. 3. Mr.  
4     Pula admitted to the police to using methamphetamine before the shooting; and admitted to smoking  
5     methamphetamine “about every other day and .2 or .3 is not a significant amount for him.” *Id.*  
6     Common experience tells us that Mr. Pula under reported his meth use to the police.

7             The earlier opposition filed by Ms. Besola-Robinson outlined Mr. Pula’s arrests and  
8     involvement in alleged criminal activity occurring in the months December 2018-February 2019.

9     **5.     Waste of Estate Assets.**

10            **a.    Waste occurring to Real Property**

11            Mark’s home was in utter disarray when Dr. Besola obtained control over the asset.<sup>2</sup> The asset  
12     required some remediation to preserve any value, and to prevent deterioration that could have further  
13     reduced the asset’s value. After Mr. Pula, Ms. McGraw and Mr. Gunwall moved out (or were evicted),  
14     Dr. Besola obtained a bid to identify the scope of work needed. The total bid was for \$325,000 (plus  
15     tax) to repair the home. *See* October 7, 2019 Declaration of Amelia Besola at Ex. 3.

16            Dr. Besola arranged for Kevin Curry to move into the property to remediate some of the  
17     damage, and prevent further decay. Mr. Curry is a retired general contractor. *See* Decl. Kevin Curry.  
18     Mr. Curry detailed specific incidents of waste at the property:

---

19            <sup>1</sup> See Decl. of Dr. Amelia Besola dated December 11, 2019 in a police report at its Exhibit 3  
20     wherein, Mr. Pula admitted to police that he smoked methamphetamine and marijuana before the  
21     shooting on December 1. “Pula confirmed that he smokes methamphetamines about every other day  
   and .2 to .3 is not a significant amount for him.”

22            <sup>2</sup> Not only was the home completely devastated, Mr. Pula had apparently run up a \$3,393.00  
23     utility bill at the home during his occupancy. *See* Dec. of Dr. Amelia Besola dated December 11, 2019  
   at its Exhibit 2.

- A large aluminum garage door was ripped off the garage and listed for sale on OfferUp;
- The gravel driveway was littered with broken glass and ceramics;
- Garbage, needles, and other trash littered the yard and house;
- Furniture was left rotting in the yard;
- The interior of the house was damaged with “reckless vandalism;”
- All but one of the interior doors were removed or damaged beyond repair;
- The garbage disposal was filled with broken glass;
- The kitchen sink was redirected so that water ruined the cabinet;
- The refrigerator was taped shut and filled with rotting food;
- Every piece of metal in the home had been removed or severely damaged (i.e., light fixtures, shower heads faucets, wood stove);
- Bathroom vanities were missing, but later seen listed for sale on OfferUp;
- The electric gate lock and wiring were removed from the front gate;
- A portion of the ceiling in the downstairs bathroom had collapsed from water damage with a leaking toilet directly above the collapse;
- The boat lift and boat house were damaged and stripped;
- Carpet had been removed or left rotting, flooring was rotting in the mother-in-law apartment;
- Leaks in the home were caused by debris on the roof line; and
- The detached apartment had been damaged by apparent violent smashing of walls, doors, and other neglect. It was filled with drug paraphernalia.

*See Decl. of Kevin Curry.*

**b. Waste Occurring to Personal Property.**

On January 25, 2019, the Court issued an order allowing then-administrator Dr. Besola to access Mark’s residence in part for the retrieval of certain enumerated personal property. Mr. Pula, Ms. McGraw, Mr. Gunwall and others still lived in the house. Kirk Kelley was present with Dr. Besola when she obtained access to the property under the January 25 Order.

In addition to the damage to furniture and other items, several significant pieces of personal property were damaged or removed prior to Dr. Besola’s control of the property. For example, a boat that had been present at the first court-authorized site visit was no longer on the property when Dr. Besola obtained control several months later. *See Decl. of Amelia Besola.* An organ was damaged, property that appeared to belong to Mark was in vehicles allegedly owned by other residents. *Id.*

1 Several other things were apparently stolen because they were observed in January, but later missing:  
2 a jet ski trailer, boat, dump truck, art, refrigerator, pressure washer, riding lawn mower, and table saw.  
3 *Id.* These pieces of personal property were among those removed, damaged, or stolen during a period  
4 that Mr. Pula and Ms. McGraw lived at the home.

5 **c. Improper expenditure of attorney's fees.**

6 Each time Mr. Pula expends attorneys' fees on a position contrary to the Estate interest, he  
7 further commits waste of the Estate assets. Despite filing a Request for Special Notice, Dr. Besola  
8 has not received any notice from Mr. Pula regarding his intention to pay attorneys' fees. Given his  
9 lack of employment or assets, Dr. Besola is left to presume that Mr. Pula has pledged to pay his  
10 personal representative's attorneys' fees from Estate assets.

11 **6. Conflict of Interest With Estate Assets.**

12 Mr. Pula owes the Estate for rent during the period after Mark's death and before Mr. Pula's  
13 eviction. *See May 14, 2019 Judgement and Order filed in 19-2-06937-1.*

14 **7. Perpetual Opposition and Animosity Toward Amelia Besola.**

15 Mr. Pula has opposed every position taken by Amelia Besola in this case or the other related  
16 matters. He has been adverse to her while she served as Administrator of the Estate in the eviction  
17 proceedings. Mr. Pula's animosity toward Dr. Besola has permeated his arguments on each motion.

18 **8. Complexity of the Estate.**

19 The Decedent (Mark Besola) owned interests in multiple real properties for investment  
20 purposes, the result of which is the administration of this Estate is complicated. *See November 19,*  
21 *2019 Decl. of R. Perednia at ¶¶ 2-4.* Further complicating the estate is the fact that the Decedent owned  
22 fractional interests in real estate with other investors. Some of these properties were jointly owned by  
23 the Decedent with his siblings; some were owned by a partnership in which he held an interest; and

1 some were owned by him outright.<sup>3</sup> When the Decedent's mother passed away recently, she left an  
2 interest in additional property to the Decedent in partnership his two sisters, Dr. Besola and Julia  
3 Robinson-Besola. *Id.* at ¶ 2. That inherited partnership owns nine parcels of investment real property  
4 in Spokane alone, and a condominium in Pullman, Washington. *Id.*

5 The Decedent's real estate portfolio is complex not only because of the variety of ownership  
6 structures, but that also because some properties have tenants, rental agreements, and the Lake Tapps  
7 house is in distress. The Estates records indicated a high value on paper, but little liquidity to pay  
8 necessary and immediate liabilities. *Id.* at ¶ 6. For instance Estate taxes are estimated between  
9 \$300,000 and \$500,000, but the Estate lacked the cash to make the estimated tax deposit with the  
10 extension filed for the return. *Id.* A final return is due on February 1, 2020. *Id.*

#### 11 IV. AUTHORITY

12 Without question, Mr. Pula has a conflict of interest in this Estate. He serves as personal  
13 representative of a highly contested will and ancillary proceedings; he is listed as the beneficiary of  
14 the largest residual portion of the Estate under the contested will. A conflict of interest itself is not  
15 problematic, and in fact is common and permissible in the context of trusts and estates; but how the  
16 personal representative manages the conflict of interest can lead to a breach of fiduciary duties. *See*  
17 *e.g., In re Estate of Reugh*, \_\_\_ Wn. App.2d \_\_\_, 447 P.3d 544, 551 (2019). Mr. Pula has already  
18 breached his fiduciary duties and has not demonstrated he can manage this conflict of interest in a  
19 way that preserves the Estate for all beneficiaries.

---

20  
21 <sup>3</sup> Mark also separately owned four rental houses in Spokane. *Id.* at ¶3. He and his sister Dr. Besola  
22 owned three houses with an undivided one-half interest as tenants-in-common. *Id.* Mark owned a 1/3  
23 interest in a parcel of real property on Lopez Island with both Amelia and Julia. *Id.* at ¶ 4. In addition,  
*Id.* Mark owned a house on Lake Tapps in his sole capacity, undeveloped land, and an airplane hangar too.

1           **A.       Eric Pula Should be Removed Because He Caused Waste and Other Harm to**  
2           **Estate Property.**

3           The trial court is granted broad discretion to remove a personal representative. *See e.g.*  
4           *Matter of Aaberg's Estates*, 25 Wn. App. 336, 340, 607 P.2d 1227 (1980) (the trial court properly  
5           exercised its discretion to remove a personal representative when he failed to properly distribute  
6           personal property and animosity existed between personal representative and beneficiary). The  
7           court may revoke letters testamentary under RCW 11.28.250, which enumerates certain causes, but  
8           also provides for "other cause":

9           Whenever the court has reason to believe that any personal representative has  
10          wasted, embezzled, or mismanaged, or is about to waste, or embezzle the  
11          property of the estate committed to his or her charge, or has committed, or is  
12          about to commit a fraud upon the estate, or is incompetent to act, or is  
13          permanently removed from the state, or has wrongfully neglected the estate, or  
14          has neglected to perform any acts as such personal representative, or for any  
15          other cause or reason which to the court appears necessary, it shall have power  
16          and authority, after notice and hearing to revoke such letters. The manner of  
17          the notice and of the service of the same and of the time of hearing shall be  
18          wholly in the discretion of the court, and if the court for any such reasons  
19          revokes such letters the powers of such personal representative shall at once  
20          cease, and it shall be the duty of the court to immediately appoint some other  
21          personal representative, as in this title provided.

22          RCW 11.28.250. The court only needs one ground for removal to validly remove a personal  
23          representative. *In re Estate of Jones*, 152 Wn.2d, 1, 11, 93 P.3d 147 (2004).

          Notably, the Court is authorized to make preventative removals when evidence suggests  
future harm to the Estate. Here Mr. Pula was present (or residing on Estate property) while waste  
was caused, he should not escape responsibility for such action simply because he was not yet  
appointed personal representative. Waste to the Estate either during his appointment or during any  
other period where he could have prevented such waste or limited the harm should be grounds



1 enough for removal. Mr. Pula's presence during waste to the property is grounds enough to revoke  
2 his letters testamentary.

3 Mr. Pula's unlawful possession of the Estate real property provides a second basis to remove  
4 him as personal representative. In *Jones*, the personal representative was validly removed when he  
5 breached his fiduciary duties by improperly using Estate real property. The personal representative  
6 had lived in the estate property without paying rent. "Until an estate is closed, the heirs may not  
7 treat estate real property as their own." *Id.* at 14 (internal citation omitted). To the extent Mr. Pula  
8 may argue he did not owe this fiduciary duty before his appointment, his possession was still  
9 wrongful (as evidenced by the eviction), and a personal representative is "accountable for his use  
10 of the deceased's real property." *In re Estate of Boston*, 80 Wn.2d 70, 72, 491 P.2d 1033 (1971).  
11 Mr. Pula needed to pay for his use of the property, even if he claimed to remain on the property to  
12 protect it from vandalism or decay. *Jones*, 152 Wn.2d at 14.

13 Mr. Pula has not paid the Estate for his use of the real property after Mark's death, and the  
14 Estate incurred attorneys' fees to remove him from the property. While there, Mr. Pula allowed  
15 waste to both the structure of the property and estate personal property too. Things were broken,  
16 damaged, neglected, and stolen. Mr. Pula cannot now feasibly serve as personal representative.

17 **B. The Hostility and Animosity Between Mr. Pula and Dr. Besola and Ms. Besola-  
Robinson Justify His Removal Too.**

18 Other causes support the removal of Mr. Pula. The "for any other cause" provision of RCW  
19 11.28.250 means "conduct similar to the other grounds listed in the statute." *Jones*, 152 Wn.2d, at  
20 11. Mr. Pula has made clear that he prefers conduct that benefits himself as beneficiary rather than  
21 preservation of the Estate for the heirs at law, or the beneficiaries under the 2013 will if the will  
22 contest is successful. He has displayed animosity and hostility toward Mark's sisters. While  
23



1 personal representative, Mr. Pula owes them a duty to preserve estate assets, even if such  
2 preservation contradicts his preferences as a beneficiary under the 2018 will. “Personal  
3 representatives owe a duty to the heirs of the estate and must conform to the laws governing  
4 trustees.” *Matter of Estate of Reugh*, \_\_ Wn. App.2d \_\_, 447 P.3d 544, 568 (2019) (citing *In re*  
5 *Estate of Ehlers*, 80 Wn. App. 751, 761-62, 922 P.2d 1017 (1996); *In re Estate of Vance*, 11 Wn.  
6 App. 375, 381, 522 P.2d 1172 (1974)). A personal representative, particularly when a will contest  
7 is pending, may not ignore the “fiduciary relationship to those beneficially interested in the estate.”  
8 *Id.* (quoting *In re Estate of Larson*, 103 Wn.2d 517, 521, 694 P.2d 1051 (1985)). They must  
9 “exercise the utmost good faith and diligence in administering the estate in the best interests of the  
10 heirs.” *Id.*

11 Mr. Pula’s conduct in the litigation thus far has called into question his ability to exercise  
12 the requisite level of good faith. Namely, when Mr. Pula opposed the Temporary Restraining Order  
13 sought to restrict the Fidelity account assets, rather than trying to preserve the assets for the Estate  
14 in accordance with RCW 11.18.200, he breached his fiduciary duties.<sup>4</sup> The Estate is illiquid and  
15 should have used the securities in the Fidelity account to satisfy its debts (i.e., the impending estate  
16 tax obligation). Because Mr. Pula not only failed to attempt to preserve the asset, but actively  
17 advocated for its release, he breached his fiduciary duties and gave cause for revocation of his letters  
18 testamentary. Mr. Pula’s opposition to the Temporary Restraining Order also illuminated the extent  
19 of his animosity toward Dr. Besola.

20  
21  
22 <sup>4</sup> See Pierce County Superior Court Cause No. 19-4-01902-9

1 Animosity between the personal representative and the beneficiaries can provide grounds  
2 to remove such personal representative. The court is charged with protecting estates from loss. *Jones*,  
3 152 Wn.2d at 19 (citing *In re Estate of Langill*, 117 Wash. 268, 270, 201 P. 28 (1921). “Therefore,  
4 where a conflict of interest exists which would contravene the rights of the beneficiaries and result in  
5 waste of the estate, a potential representative should be disqualified.” *Id.* Like the language of RCW  
6 11.28.250, the court may act proactively.

7 “The court need not wait for an actual breach of fiduciary duty in order to take protective  
8 action. The court can ‘guard an estate against possible waste and loss’ by appointing an appropriate  
9 administrator.” *In re Estate of Troyer*, 2019 WL 5395329 at \*2 (Div. III Oct. 22, 2019) (quoting  
10 *Langill*, 117 Wash. At 269); *see also In re Estate of Thomas*, 167 Wash. 127, 133-34, 8 P.2d 963 (1932)  
11 (where animosity exists and would likely result in more litigation, a neutral, third party may be  
12 appointed to administer the estate). In *Troyer*, the brother expressed hostility toward his sisters. His  
13 hostility before appointment was sufficient for the court to appoint a neutral third party, despite  
14 language in the will naming the brother personal representative. *Id.*

15 In this case, all parties are better served by a neutral third-party administrator. This person  
16 could objectively make decisions about the Estate administration and would not stand to risk further  
17 injury to the Estate by litigating hostilities or grievances unfounded or not beneficial to the Estate.

18 **C. Ms. McGraw Should Not be Appointed as Successor Personal Representative.**

19 Under RCW 11.68.070, if a court removes a personal representative, it has the power to choose  
20 whom to appoint as the successor. *See Jones* 152 Wn.2d at 18. The same animosities that exist between  
21 Mr. Pula and Mark’s sisters are at issue with Ms. McGraw. A neutral third party is best in light of the  
22 challenges presented in this Estate and its related disputes, and the complexity of the administration of  
23 these assets.

1           **D. In the Alternative, Mr. Pula’s Non-Intervention Powers Should be Revoked.**

2           All of the grounds listed in RCW 11.28.250 for the removal of a personal representative are  
3 incorporated into RCW 11.68.070 for the restriction of non-intervention powers. *See Jones*, 152  
4 Wn.2d at 6; *see also* RCW 11.68.050 (“In all other cases, including without limitation any hearing on  
5 a petition that alleges that the personal representative has breached its duties to the beneficiaries of  
6 the state, the court may restrict the powers of the personal representative in such manner as the court  
7 determines to be the best interests of the decedent’s beneficiaries.”) Should the court leave Mr. Pula  
8 in place, his nonintervention powers should be revoked in aim to minimize the harm to the Estate.

9           **E. Dr. Besola Reserves the Right to Request Attorneys’ Fees and Costs at Trial.**

10          TEDRA allows any party to seek attorneys’ fees and costs against any party, including the  
11 Estate. RCW 11.96A.150. Dr. Besola respectfully requests the right to seek reimbursement of her  
12 attorneys’ fees incurred in preparation of this motion from the Estate or Mr. Pula at trial.

13                           **V. CONCLUSION**

14          For the reasons stated herein, Mr. Pula has already injured the Estate, and stands to cause  
15 further harm. He is poised to breach his fiduciary duties and has not demonstrated that he can  
16 actively balance the conflict of interest that exists when one person serves as personal representative  
17 and is named as beneficiary.

18          DATED this 11<sup>th</sup> day of December, 2019.

19                           SMITH ALLING, P.S.

20                           By           /s/ C. Tyler Shillito            
21                           C. Tyler Shillito, WSBA #36774  
22                           Morgan K. Madison, WSBA #46388  
23                           Attorneys for Amelia Besola

**CERTIFICATE OF SERVICE**

I hereby certify that on 11th day of December, 2019, I served a true and correct copy of the foregoing document upon counsel of record, via the methods noted below, properly addressed as follows:

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LISA LEFEBVRE

Hon. Kathryn J. Nelson  
Hearing Date: December 20, 2019  
Hearing Time: 9:00 a.m.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

In the matter of the Estate of

MARK LESTER BESOLA,

Deceased

No. 19-4-00016-6

ERIC PULA'S RESPONSE IN  
OPPOSITION TO OBJECTION TO  
GRANT OF LETTERS  
TESTAMENTARY FILED BY  
JULIA BESOLA-ROBINSON

I. INTRODUCTION

Eric Pula, as a beneficiary of the Estate of Mark Lester Besola, hereby respectfully requests that the Court deny the relief requested in the Objection to Grant of Letters Testamentary filed by Julia Besola-Robinson ("Besola-Robinson"). The unsupported allegations and relief requested by Besola-Robinson have previously been heard and decided by the Court. Letters Testamentary have already been issued to Pula – the objections therefore are untimely. None of the objections presented by the moving party support the requested relief.

ERIC PULA'S RESPONSE  
TO OBJECTION TO GRANT OF LETTERS  
TESTAMENTARY  
Page 1 of 10



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1 II. STATEMENT OF RELEVANT FACTS

2 Amelia Besola (“Besola”) appeared in Court for an appointment as Administrator of her  
3 brother’s estate on January 3, 2019, two days after he passed away. She was granted Letters of  
4 Administration on January 7, 2019. On May 8, 2019, a Last Will and Testament of Mark Lester  
5 Besola (the “Will”) was filed with the Court. The Will named Eric Pula as the first choice for  
6 Executor and disinherited Besola. The Will provided that the Personal Representative should  
7 serve without bond and without court intervention.

8 The Will left to Besola-Robinson only the decedent’s interest in a property on Lopez  
9 Island and a property located in Spokane. *See Last Will and Testament, dated December 6,*  
10 *2018.* The Will left 55 percent of the Estate to Pula. *See id.* The Will stated: “I had a near  
11 death experience recently. If it had not been for Eric Pula, I would not be here today. I owe  
12 him my life and therefore leaving him 55% of my estate.” *See id.*

13 III. STATEMENT OF ISSUES

14 Where the issues raised in the Objection have previously been heard and decided by a  
15 Pierce County Commissioner and by Pierce County Superior Court Judge Nelson, should the  
16 relief requested by Besola-Robinson be denied? Yes.

17 Where Letters Testamentary have been given to Pula, who was the named primary  
18 personal representative in the decedent’s Last Will and Testament, and where there is no basis  
19 for removing Pula as personal representative, should the relief requested by Besola- Robinson  
20 be denied? Yes.

21  
22 ERIC PULA’S RESPONSE  
TO OBJECTION TO GRANT OF LETTERS  
TESTAMENTARY  
Page 2 of 10



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1           Where Pula has not materially breached any fiduciary duties, should the relief requested  
2 by Besola-Robinson be denied? Yes.

3                           IV.    EVIDENCE RELIED UPON

4           This Memorandum is based upon the the records and pleadings filed in this civil action,  
5 the records and pleadings filed in the civil action identified as Pierce County Superior Court  
6 Cause No. 19-4-01902-9, and the records and pleadings filed in the civil action identified as  
7 Pierce County Superior Court Cause No. 19-4-01945-2.

8                           V.    ARGUMENT

9           A.    The objections raised by Besola-Robinson have been heard and rejected by the  
10 Court on two prior occasions and should not be revisited by the Court.

11           Besola-Robinson states that she was not provided notice when Pula sought appointment  
12 as the Personal Representative under the decedent's Will. Notably, she does not state that notice  
13 to her was required, nor does she cite any authority that would support such a proposition. In  
14 fact, no notice was required. There was also no requirement to notify her of the October 7,  
15 2019 Motion for Revision and the subsequent hearing, filed by her sister, Besola. It strains  
16 credulity to believe that she was unaware of the actions taken by her sister, Besola.

17           The issues raised by Besola-Robinson to challenge the appointment of Pula as Personal  
18 Representative have already been heard and rejected by the Court, twice. None of the allegedly  
19 "new" evidence would support the removal of Pula as Personal Representative. There is no  
20 evidence of a felony conviction or crime of moral turpitude. Instead, Besola-Robinson relies  
21 on speculation and hearsay (such as the non-credible testimony of two criminals caught in the

22   ERIC PULA'S RESPONSE  
  TO OBJECTION TO GRANT OF LETTERS  
  TESTAMENTARY  
  Page 3 of 10



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1 act of burglary) to support her request that Pula be removed from serving in the capacity  
2 specifically requested by the decedent. At the hearing before Pro Tem Commissioner Cynthia  
3 McDonald on September 26, 2019 regarding the appointment of Pula as Personal  
4 Representative, counsel for Besola raised issues regarding Pula's alleged "criminal history".  
5 *See page 10, Verbatim Transcript of Hearing Motion to Vacate, Enter Will, September 26,*  
6 *2019, Exhibit A, Declaration of Elizabeth Thompson previously filed with the Court.* A robust  
7 discussion occurred on the issue of Pula's suitability to serve as the personal representative.  
8 Pula was present and was sworn in by the Commissioner and questioned. *See id.* The  
9 Commissioner stated, on the record, "I don't have any concerns. The Court doesn't have any  
10 concerns." *See page 18, Exhibit A, Thompson Decl.*

11 The Court heard essentially the same objections on October 18, 2019, brought by Besola  
12 on a Motion for Revision of the Commissioner's Order, and rejected these arguments. *See*  
13 *Motion for Revision of Commissioner's September 26, 2019 Order, previously filed with the*  
14 *Court.* Because of the size of the estate and the adversarial nature of the proceedings, Judge  
15 Nelson imposed a bond; however, Pula's Letters Testamentary are not contingent upon the bond  
16 – he is the representative of the Estate pursuant to the Court and the decedent's Will. The  
17 Letters Testamentary were issued prior to the bond requirement and he was not required to post  
18 a bond until after the transfer of the Estate.

19 Accordingly, the issues raised in Besola-Robinson's Objection have been decided. It is  
20 unnecessary to re-consider these issues – for a third time.

21  
22 ERIC PULA'S RESPONSE  
TO OBJECTION TO GRANT OF LETTERS  
TESTAMENTARY  
Page 4 of 10



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1 B. Besola-Robinson has not followed proper procedure to remove a personal  
2 representative.

3 RCW 11.68.070 sets out the procedure for removal of a sitting personal representative,  
4 as follows:

5 If any personal representative who has been granted  
6 nonintervention powers fails to execute his or her trust faithfully  
7 or is subject to removal for any reason specified in RCW  
8 11.28.250 as now or hereafter amended, **upon petition** of any  
9 unpaid creditor of the estate who has filed a claim or any heir,  
10 devisee, legatee, or of any person on behalf of any incompetent  
11 heir, devisee, or legatee, **such petition being supported by**  
12 **affidavit which makes a prima facie showing of cause for**  
13 **removal or restriction of powers**, the court shall cite such  
14 personal representative to appear before it, and if, upon hearing  
15 of the petition it appears that said personal representative has not  
16 faithfully discharged said trust or is subject to removal for any  
17 reason specified in RCW 11.28.250 as now or hereafter amended,  
18 then, in the discretion of the court the powers of the personal  
19 representative may be restricted or the personal representative  
20 may be removed and a successor appointed. In the event the  
21 court shall restrict the powers of the personal representative in  
22 any manner, it shall endorse the words "Powers restricted" upon  
the original order of solvency together with the date of said  
endorsement, and in all such cases the cost of the citation,  
hearing, and reasonable attorney's fees may be awarded as the  
court determines.

16 *See RCW 11.68.070 (2019).*

17 Besola-Robinson has failed to comply with the appropriate procedure, even if these  
18 issues had not already been decided on the merits by the Court. Her objections should be  
19 dismissed and the relief requested denied.  
20  
21

22 ERIC PULA'S RESPONSE  
TO OBJECTION TO GRANT OF LETTERS  
TESTAMENTARY  
Page 5 of 10



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1 C. Besola-Robinson's request that Pula be removed from serving as the Estate's  
2 Representative should be denied as being unsupported by anything other than speculation,  
3 innuendo and hearsay.

4 Besola-Robinson hopes that, by compiling a list of "unseemly" events and associations  
5 (such as the alleged drug activity and vandalism at the decedent's house) and alleging (without  
6 evidence) that Pula is either part of this activity or spearheading this activity, the Court will  
7 ignore the fact that Pula has not materially breached any fiduciary duties (something Amelia  
8 Besola clearly did by dismissing the decedent's civil action), has no felony criminal record or  
9 crime of moral turpitude, and that Pula, as the primary beneficiary of the Estate, has every  
10 incentive to preserve and administer the Estate in good faith. Besola-Robinson's briefing is  
11 replete with the statement "Mr. Pula was alleged . . . ." and "Mr. Pula is alleged . . . ." – admitting  
12 that the statements are nothing more than unproved allegations, unsubstantiated and prejudicial.  
13 Besola-Robinson's objections also ignore the fact that Pula is represented by a firm that has a  
14 stellar reputation before the Court and in the community and has competently administered  
15 complex estates in the past.

16 Besola-Robinson's brief is full of misstatements, inaccuracies and authority that fails to  
17 support her proposition. The Court did not issue a bond because it had "already decided that  
18 appointing Mr. Pula creates significant concern" – in fact, Mr. Pula had already been appointed  
19 to serve without bond. The bond was put in place because of the size and complexity of the  
20 Estate.

21  
22 ERIC PULA'S RESPONSE  
TO OBJECTION TO GRANT OF LETTERS  
TESTAMENTARY  
Page 6 of 10



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1 Pula is represented by competent counsel with more than 20 years' experience. Pula  
2 has consulted closely with his counsel throughout these complex proceedings and has  
3 participated actively (i.e., his appearance at the September 26, 2019 hearing before the  
4 Commissioner). Pula is the primary beneficiary of the Estate of Mark Lester Besola, and the  
5 named executor – the Court is encouraged to respect the decedent's wishes in considering  
6 removal of that person named by the decedent to administer the decedent's Estate, especially  
7 when no *prima facie* showing has been made that the drastic measure of removing Pula is  
8 required or warranted.

9 VI. CONCLUSION

10 Eric Pula respectfully requests that the Court reject the Objection filed by Besola-  
11 Robinson and deny the relief requested.

12 Respectfully submitted this 17th day of December, 2019.

13 LAW OFFICE OF  
14 ELIZABETH THOMPSON PLLC

15   
16

17 Elizabeth Thompson WSBA No. 32222  
18 Attorney for Eric Pula, as a beneficiary of  
19 The Estate of Mark Lester Besola  
20  
21

22 ERIC PULA'S RESPONSE  
TO OBJECTION TO GRANT OF LETTERS  
TESTAMENTARY  
Page 7 of 10



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CERTIFICATE OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that on this day, I provided a true and accurate copy of the document to which this declaration is affixed, entitled ERIC PULA'S RESPONSE IN OPPOSITION TO OBJECTION TO GRANT OF LETTERS TESTAMENTARY FILED BY JULIA BESOLA-ROBINSON to the following in the manner so indicated:

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ERIC PULA'S RESPONSE  
TO OBJECTION TO GRANT OF LETTERS  
TESTAMENTARY  
Page 8 of 10



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TO OBJECTION TO GRANT OF LETTERS  
TESTAMENTARY  
Page 9 of 10



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- ☐ LEGAL MESSENGER
- ☒ EMAIL
- ☐ EXPRESS DELIVERY
- ☐ FACSIMILE
- ☐ CM/ECF
- ☒ E-Service via Pierce County Linx

Dated this 17th day of December, 2019, at Milton, Washington.



Elizabeth Thompson

ERIC PULA'S RESPONSE  
TO OBJECTION TO GRANT OF LETTERS  
TESTAMENTARY  
Page 10 of 10



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December 17 2019 12:00 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 19-4-00016-6

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR PIERCE COUNTY

In the matter of the Estate of

MARK LESTER BESOLA,

Deceased.

NO. 19-4-00016-6

COMBINED RESPONSE OF PERSONAL  
REPRESENTATIVE TO

JULIA BESOLA-ROBINSON'S OBJECTION TO  
GRANT OF LETTERS TESTAMENTARY AND

AMELIA BESOLA'S PETITION FOR ORDERS  
TO ISSUE CITATION, REMOVING  
PERSONAL REPRESENTATIVE AND  
APPOINTING SUCCESSOR  
ADMINISTRATOR

ASSIGNED TO THE HONORABLE KATHRYN  
NELSON

Hearing Date: December 20, 2019  
Hearing Time: 9:00 am

I. INTRODUCTION

Eric Pula has been the Personal Representative of the Estate of Mark Lester Besola since his appointment and confirmation of his appointment by this Court on October 18, 2019. Mark Besola was thought to have died intestate in January 2019, and for roughly 10 months, his Estate was administered by his sister Amelia Besola, who dismissed a valuable asset—a lawsuit against herself—and paid the attorney who filed

RESPONSE OF PERSONAL REPRESENTATIVE - 1 of 15  
(19-4-00016-6)  
[4812-2122-1039]

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1 and dismissed that lawsuit from estate assets, took personal property from the estate,  
2 installed her friend in estate property and paid him from estate funds to stay there, failed  
3 to file required tax documents, failed to complete an inventory, failed to file a notice to  
4 creditors and failed to liquidate any property in which she had an interest.

5  
6 In May 2019, however Mr. Besola's true testamentary intent was discovered, and  
7 Mr. Pula was appointed as PR under Mr. Besola's December 2018 will. Barely eight  
8 weeks after his appointment, Julia Besola-Robinson and Amelia Besola both seek to have  
9 Mr. Pula removed from his position, contrary to the will of the testator. Mr. Pula worked  
10 to care for Mark Besola during his lifetime, is represented by experienced counsel, has a  
11 stable home and supportive family, is a 55% beneficiary of the estate, and is committed  
12 to carrying out Mark Besola's wishes. See *a/so* Decl. of Kelly McGraw and Exhibits  
13 attached. Amelia Besola and Julia Besola-Robinson fail to show any evidence whatsoever  
14 that Eric Pula cannot perform those duties. Any claimed "animosity" exists only on the  
15 part of Amelia who was disinherited by her brother Mark, who filed a lawsuit against her  
16 and created a new will in early December 2018.

## 17 II. EVIDENCE RELIED UPON

18  
19 This response relies upon the following Declarations with referenced exhibits: Eric  
20 Pula, Kelly McGraw, Daniel Walk, Elizabeth Thompson, Andrea McNeely and Stephanie  
21 Bloomfield; in addition to the records and files herein, particularly the Creditor's Claim  
22 filed by George Lucas on April 16, 2019.

## 23 III. LEGAL AUTHORITY

### 24 A. There Is No Basis to Remove Eric Pula as Administrator.

#### 25 1. Mr. Pula Is Qualified and Was Duly Appointed.

26 Mark Besola chose as his executor a young man who had protected him and cared  
for him, and the Court has—twice—affirmed that choice. Under Washington law, the right

1 of a testator to determine his executor is paramount and is "coextensive with the power  
2 to devise or bequeath the estate itself." *State ex rel. Lauridsen v. Superior Court for King*  
3 *County*, 179 Wn. 198, 204, 37 P.2d 209 (1934). The appointment should not be  
4 overruled unless there is a statutory disqualification or fraud. *Id.* at 207. In *Lauridsen*,  
5 the Court had appointed an administrator not named in the Will who worked diligently for  
6 two years to manage the estate. After two years, other parties learned they had been  
7 named successor executors in the Will and petitioned to be appointed. Although the  
8 administrator had done well, the Court removed the administrator and appointed the  
9 named executors, finding that only a statutory disqualification or fraud should prevent the  
10 testator's wishes from being followed. *Id.* at 207. *Lauridsen* was affirmed on this point:

12 [In *Lauridsen*,] this court adopted the following rule which is  
13 controlling in this case: '...we hold that, in the absence of fraud  
14 connected with the will or the estate, and in the absence of any  
15 statutory disqualification, *the right of the testator to appoint an*  
*executor of his will may not be superseded* by the court by  
appointing an administrator in his place.' (Italics ours.)

16 *In re Odman's Estate*, 51 Wn.2d 840, 841-2, 322 P.2d 354 (1958).

17 It is undisputed that Mr. Pula was named in the last known will of Mark Besola to  
18 administer Mr. Besola's estate, that Mr. Pula's appointment was carefully considered by  
19 the Commissioner, and again by this Court on Amelia Besola's Motion for Revision. Some  
20 of the reasons Mark Besola selected Eric Pula are demonstrated in the Declaration of  
21 Kelly McGraw. Ms. McGraw has submitted a number of text messages from Mark Besola  
22 that demonstrate the reasons for his anger with Amelia. In these messages he  
23 expresses anger against Amelia for belittling his sexuality and stealing from him. Mark  
24 also expresses anger against both sisters for their treatment of their dogs and his. See  
25 Exs. A and B to McGraw Declaration. On November 18, 2018, Mark posted on Facebook  
26 that he was hugely troubled that his sister had stolen \$68,000 from the sale of his

1 airplane, a \$22,000 insurance payout on his car, and refused to turn over the title in a  
2 house on which he had paid \$140,000. In a November 20, 2018 message, Mark  
3 references a call to his attorney about the legal demand he has made against Amelia for  
4 her misappropriation of their shared business.

5  
6 Nov 20, 2018 11:11 AM

7 **I called my attorney in**  
8 **Bellevue this morning.**  
9 **Amelia never responded**  
10 **to his 9 page demand**  
11 **letter. He will file the**  
12 **lawsuit next month for**  
13 **the winding up and**  
14 **accounting.I**

15 See McGraw Decl. at Ex. A. This message is corroborated by a time entry from Mark's  
16 then attorney.

17  
18 11/20/2018 GDL Call from Mark. Prepare Demand Letter #2.

19 0.50

20 See Lucas time entry, at p. 5, Ex. A to Bloomfield Decl.

21 These messages and posts occurred only a few weeks before Mark signed his will  
22 disinheriting Amelia and appointing Eric Pula as executor on December 6 and then filed  
23 his lawsuit against Amelia on December 12, 2018.

24 In her Objection to Mr. Pula's appointment, Ms. Besola-Robinson relies primarily  
25 on caselaw dealing with an intestate estate, where the Court has wide latitude in  
26 appointing an Administrator in the absence of any testamentary instruction. See *In re*  
*Langill's Estate*, 117 Wash. 268 (1921). Here, however, Mark Besola's wishes are the  
paramount concern, and absent a showing that Mr. Pula was not qualified to serve as PR  
(an argument previously made twice and twice-rejected by this Court), he may now only

1 be removed upon a showing that he has failed to execute his duties or is otherwise  
2 subject to removal under RCW 11.28.250.<sup>1</sup> There is nothing new in this third attempt.

3  
4 **2. No Grounds for Removal Exist.**

5 Mr. Pula's appointment was confirmed just weeks ago in the Court's October 18,  
6 2019 Order. Since that time, he has retained counsel to represent him in his capacity as  
7 Administrator, has taken steps to secure the turn over of the estate from Dr. Besola, and  
8 has made applications for the bond requested by the Court. See McNeely Decl. at ¶5.  
9 Unfortunately, during his brief service as Administrator, Mr. Pula has faced significant  
10 resistance from Amelia Besola regarding the turn-over of the property and assets of the  
11 Estate formerly under her control. During the 10-month service of Amelia as Administrator  
12 of the Estate, little appears to have been accomplished by way of inventory, notice to  
13 creditors, meeting tax obligations, or the other routine steps required at the outset of  
14 administering this type of complex estate.

15 Amelia Besola also acted directly against the interests of the estate by using her  
16 role as PR to dismiss a lawsuit that Mark Besola initiated against her shortly before his  
17 death. oomfield Decl. Exs. A-D She challenged beneficiary designations of non-probate  
18 assets in federal and state court, and has apparently taken few steps to begin liquidating  
19 the estate in order to pay taxes or other obligations. Despite the additional complications  
20 that flow from Amelia Besola's decisions and actions during her time as PR, Mr. Pula  
21

22  
23  
24  
25 <sup>1</sup> Both moving parties cite to the unpublished decision in *Estate of Troyer*, 2019 WL 5395329 (2019),  
26 which is not binding authority. See GR 14.1. Even if the Court considers *Troyer* as persuasive authority,  
however, there is no allegation that Mr. Pula engaged in disqualifying conduct such as the type of profanity-  
laden threats that disqualified the named PR in *Troyer*, which included announcing that both of the other  
heirs were "dead to him" "should be in jail" and that they had "no idea what [he was] going to do f\*\*\*  
you!!!!" *Id.* at \*1. *Troyer* is clearly factually distinguishable from the circumstances in this case where Mr.  
Pula has had very little interaction or relationship with either moving party, and almost no interaction at all  
with Ms. Besola-Robinson, who is a named heir in the will under which Mr. Pula has been appointed.

1 remains committed to carrying out his duties as Administrator, just as Mark Besola  
2 wanted, and Mr. Pula is ably assisted in his efforts to do so.

3 The moving parties seek to remove Mr. Pula based on false allegations and  
4 purportedly anticipated breaches of his fiduciary duties, rather than on any allegation that  
5 Mr. Pula has actually breached his duties or engaged in any misconduct during his short  
6 time as Administrator. The standard for removal of an Administrator is clear:  
7

8 Under RCW 11.68.070, the trial court has discretion to remove a  
9 personal representative who has nonintervention powers if the  
10 personal representative fails to execute his or her trust faithfully or  
11 is subject to removal for any reason specified in RCW 11.28.250.<sup>2</sup>  
12 *In re Estate of Beard*, 60 W[n].2d 127, 132, 372 P.2d 530 (1962);  
13 *In re Estates of Aaberg*, 25 W[n]. App. 336, 339, 607 P.2d 1227  
14 (1980). RCW 11.28.250 authorizes the court to revoke  
15 testamentary letters if it has reason to believe the personal  
16 representative wasted, embezzled or mismanaged estate property,  
17 or if the court finds for other reason such action is necessary.  
18 *Aaberg*, 25 W[n]. App. at 339, 607 P.2d 1227.

19 *In re Estate of Ardell*, 96 Wn. App. 708, 718 (1999). The standard for removal is high,  
20 and the Court's findings must support removal under RCW 11.68.070, RCW 11.28.250  
21 or RCW 11.48.210 or the Court's decision will be deemed arbitrary. *Id.* at 720. Conduct  
22 that supports removal of an Administrator includes misrepresenting a beneficiaries' share  
23 of the estate in settlement negotiations and disavowing a testamentary trust that the co-  
24 Administrators were responsible for managing. See *Estate of Reugh*, 447 P.3d 544, 569-  
25 70 (2019).

26 The Washington Supreme Court's decision in *In re Estate of Jones*, 152 Wn.2d 1  
(2004), is an instructive example of the type of misconduct that warrants removal, and

---

<sup>2</sup> The relevant language in RCW 11.28.250 provides the following grounds from removal: Whenever the court has reason to believe any personal representative has wasted, embezzled, or mismanaged, or is about to waste, or embezzle the property of the estate committed to his or her charge, or has committed, or is about to commit a fraud upon the estate, or is incompetent to act, or is permanently removed from the state, or has wrongfully neglected the estate, or has neglected to perform any acts as such personal representative, or for any other cause or reason which to the court appears necessary...

1 the type that does not. In *Jones* the heirs were four brothers who had “continuing  
2 unresolved conflicts between [them] that have endured over the last 40-50 years,” with  
3 one of the four appointed to administer the estate of their deceased mother under a non-  
4 intervention will. *Id.* at 7. The Administrator was an attorney who had lived and practiced  
5 law out of the house owned by their mother, and he continued to do so rent-free after her  
6 death. At some point after he was appointed, he conveyed the home to himself, without  
7 notice to the other heirs.  
8

9 On appeal, the Court found that distribution of the house was not necessarily a  
10 breach of the Administrator’s fiduciary duties, but that failing to use the fair market value  
11 of the house during distribution and failing to pay rent and utilities were. *Id.* at 153. The  
12 Court upheld the decision to remove the Administrator on this basis, but with regard to  
13 the other bases relied upon by the trial court to support removal (including use of an  
14 estate car, revaluing a piano, failing to provide interim and final reports) found that  
15 removal would not have been warranted. As the analysis in *Jones* illustrates, removing an  
16 Administrator requires more than simply alleging that the Administrator may, at some  
17 point in the future, have a difficult time administering the Estate.  
18

19 The challenges to Mr. Pula’s service do not meet the threshold for removal, his  
20 service is consistent with the testator’s intent, and appointing a third-party administrator  
21 would only serve to increase the cost of administration of this Estate.<sup>3</sup> Mr. Pula is not  
22 using or expending any estate property, Mr. Pula does not have a record of animosity with  
23 Amelia Besola, Ms. Besola-Robinson, or any other testate or intestate heir of Mark  
24 Besola. He is prepared to carry out his fiduciary duties aided by the advice of counsel  
25

26 <sup>3</sup> Amelia Besola does not inherit under the current will, she will only inherit as an intestate heir if her will  
contest is successful. She therefore has little motivation to minimize the costs of estate administration.  
Similarly, Julia Besola-Robinson takes only a specific bequest of real property under the 2018 will, and also  
lacks significant personal motivation to keep administrative costs at bay.

1 representing him in his capacity as Administrator of the Estate, consistent with Mr.  
2 Besola's wishes and intent.

3 a. Unlike Amelia Besola, Mr. Pula Has Not Taken a Position Adverse to the Estate.

4 Amelia Besola and Ms. Besola-Robinson attempt to argue that Mr. Pula has taken  
5 positions contrary to the interests of the Estate. However, even these arguments amount  
6 solely to Pula's defense against the numerous legal challenges instituted by Amelia  
7 Besola (including the will contest she initiated), his inability to control or somehow  
8 administrate Mark Besola's assets during Mr. Besola's lifetime, and his objections to  
9 Amelia's efforts to challenge distribution of non-probate assets by claiming that Mr.  
10 Besola's named beneficiaries were "slayers" under RCW 11.84 et seq.

12 However, neither of the Besola sisters can point to one item of concrete evidence  
13 in support of their allegations. Eric Pula is committed to carrying out the wishes of Mark  
14 Besola. Eric is seeking work and living in a stable family home near his attorneys' office,  
15 he works closely with his attorneys, communicating with them regularly, and he is not  
16 using or distributing any portion of the estate. Pula Decl. at ¶ 17-18. Moreover, the vast  
17 majority of the estate is real property, which can be administered through the orderly  
18 process of evaluating the value of the properties and as necessary listing them for sale.  
19 See documents filed by under seal on December 2, 2019. As was the case under Amelia  
20 Besola's administration, the rental properties are currently managed by a property  
21 management company. *Id.* In reality, the most urgent issue connected with the real  
22 properties was created by Amelia—it is the status of the Lake Tapps home. Amelia has  
23 installed one of her connections in the home and committed the estate to *pay him* \$100  
24 a day to live there without any evidence that he is improving the property or has any skills  
25 or credentials to "protect" it, and then allows him to stay rent free. McNeely Decl. Ex. C.  
26



1 This Court should also disregard the smoke and mirrors allegations of any "waste"  
2 by Eric Pula. The estate has existed through two primary time spans: the time period  
3 through January 1, 2019, i.e., Mark Besola's lifetime; and the time period from January 3,  
4 2019 through September 27, 2019, while Amelia was the personal representative. Any  
5 "waste," failure to administer, or actions against the estate's interests took place while  
6 Amelia was acting as executor.  
7

8 **b. Mr. Pula Understands and is Prepared to Administer a Complex Estate.**

9 Mr. Pula is committed to responsible administering the estate, and he is amply  
10 assisted in doing so. He is represented by a firm with an experienced estate practice  
11 group. McNeely Decl. Mr. Pula is willing and available to act. Any issues with outstanding  
12 tax obligations or liquidity of the estate have been created by Amelia, who has failed to  
13 file tax returns and failed to liquidate real property that she jointly owns in order to  
14 administer the estate.  
15

16 **c. Allegations of Criminal Activity are False and Immaterial.**

17 The Court has already considered Mr. Pula's background found him qualified to  
18 serve as PR. Moreover, Mr. Pula's background does not—despite the unsubstantiated and  
19 hearsay statements of petitioners—include any criminal history. See McNeely Decl. at ¶2  
20 and Exs. A and B. The moving parties now revisit this issue and claim that Mr. Pula has a  
21 "growing" record, but to the contrary, Mr. Pula has resolved the single outstanding issue:  
22 an outstanding warrant for an unlicensed weapon. See Pula Decl. at Ex. C. A number of  
23 other conclusory statements, opinions, and allegations are both untrue, as well based on  
24 hearsay from police reports and should be stricken. ER 401-404, 602, 701-703, 801-  
25 802. See Bloomfield Decl. for specifics.  
26



1           Quentin Wildsmith's (Julia's attorney) attempt to throw in any thirdhand irrelevant  
2           hearsay he can is illustrative with 14 police blotter exhibits. ER 801-802; ER 602. None  
3           relate to any admissible statement by Mr. Pula and none involve any criminal charges  
4           against Mr. Pula. They are irrelevant attempts to tar his character. ER 401-404. While  
5           these should be stricken entirely (see Bloomfield Declaration for specifics), in summary  
6           the attached exhibits include police reports involving charges against unrelated  
7           individuals Jesse Craig and Hannah Weaver relating to a burglary at Cascade towing and  
8           related matters (EXS 1-6). Exhibits 11-14 are search warrant filings relating to these  
9           same individuals. Exhibits 7-9 relate to a traffic citation issued to Mr. Pula (DWLS). Ex. 10  
10          is a section of a police report relating to the shooting at Mr. Besola's home on November  
11          30 (again Mr. Pula was never charged with anything relating to this incident). None are  
12          admissible here. Moreover, Mr. Pula has been forthright about his involvement in the  
13          violent home invasion that took place while he was living with Mr. Besola, during which  
14          Mr. Pula defended Mr. Besola and saved his life. See Prior Pula Decl (11/18/19).  
15

16  
17           **d. If Mr. Pula Is Ultimately Unable to Obtain a Bond, this Court Should Allow for**  
18           **Alternate Security under RCW 11.28.185.**

19           As noted above, Mr. Pula is in the process of seeking to obtain a bond per the  
20           Court's October 18th Order. Contrary to the hearsay allegations included in Mr. Morgan's  
21           declaration, neither Mr. Pula nor his counsel intend to use Estate assets to secure a  
22           bond, nor did they ever communicate this. See McNeely Decl. at ¶ 5; Walk Decl.;  
23           Thompson Decl. Mr. Pula is young, does not personally own real estate, and lacks an  
24           established credit history – none of which is surprising for an individual of Mr. Pula's age.  
25           However, he is committed to carrying out his fiduciary obligations as Administrator of this  
26

1 Estate. Mr. Pula has applied for a bond and will continue to work to secure a bond per  
2 the Court's Order.

3 If Mr. Pula is unable to place a bond, the court has the discretion to allow for  
4 alternate security under RCW 11.28.185 and RCW 11.88.105. RCW 11.28.185 allows  
5 the court to waive the requirement of a bond, or to reduce the amount of the bond. The  
6 goal of the bond requirement is to protect the interests of the estate.  
7

8 The statute provides that "in lieu of a bond, the court may in its discretion,  
9 substitute other security or financial arrangements, such as provided under RCW  
10 11.88.105, or as the court may deem adequate to protect the assets of the estate."  
11 RCW 11.28.185. Here, although Mark Besola did not waive the bond requirement in his  
12 will, his will makes clear that Eric is the intended executor. Moreover, Mark asked Eric  
13 Pula to marry him in a further effort to be sure Pula would have the ability to administer  
14 the estate and inherit from it. Even at an initial glance of the assets referenced thus far  
15 by Amelia demonstrates that the estate is highly solvent but not liquidated. In addition,  
16 there are limited claims against the estate.  
17

18 A number of alternate avenues of security exist here. First, the bulk of the assets  
19 are in real property. The Court could direct Pula to gather the liquid assets and list and  
20 sell some or all of the properties and deposit a specified amount of the proceeds into a  
21 blocked account. This method is specifically provided for in RCW 11.88.105.  
22 Alternatively, the Court could require Mr. Pula to make periodic reports about the status  
23 and amounts of estate assets, or the Court could impose modified intervention powers,  
24 requiring Mr. Pula to periodically advise the Court of the needed next steps in estate  
25 administration and receive Court approval. The Court could also reduce the amount of  
26 the bond. It is worth noting that when Amelia received her appointment the amount of

1 the bond was only \$30,000. See January 3, 2019 Order Appointing Personal  
2 Representative and Authorizing Personal Representative to Obtain Financial Information.  
3 If necessary, Mr. Pula does not oppose Court intervention powers in this estate.  
4

5 **B. Procedural and Evidentiary Issues.**

6 **1. Objection and Motion to Strike Inadmissible Materials.**

7 In connection with the Objection and Petition, Julia Besola-Robinson and Amelia  
8 Besola have filed inadmissible evidence, which should be stricken and not considered by  
9 the Court. Specifically, the materials set forth in the Declaration of Stephanie Bloomfield  
10 should be deemed inadmissible for the reasons detailed therein. These materials should  
11 not be considered in connection with any prima facie showing or evidentiary hearing.

12 **2. Amelia Besola has Failed to Make a Prima Facie Showing as Required by**  
13 **RCW 11.68.07, and the Citation is Invalid.**

14 The mechanism to remove an Administrator requires the party seeking removal to  
15 make a "prima facie showing of cause for removal or restriction of powers" and only upon  
16 such a showing will the Court issue a citation to appear before the Court for an  
17 evidentiary hearing. See RCW 11.68.070; *Estate of Reugh*, 447 P.3d 544, 561-62  
18 (2019). This is similar to a "show cause" hearing. Here, Julia Besola-Robinson has  
19 simply filed an "objection" and the petition filed by Amelia Besola fails to make the  
20 required showing. Both of these pleadings are unsupported by sufficient or admissible  
21 evidence and do not entitle either individual to a Citation or evidentiary hearing. Amelia  
22 Besola took the unilateral step of having a Citation issued. However, the statute vests the  
23 power to issue a citation for hearing power in the Court and only after a prima facie  
24 showing that removal is appropriate. Given that no prima facie showing can be made, the  
25 Court should deny the Petition for an Order to Issue Citation and should recall the Citation  
26 unilaterally issued by Amelia Besola.

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IV. CONCLUSION

Mark Besola was clear in his intent. He had actively filed a lawsuit against his sister, sent dozens of text messages to her expressing his distaste for her, and changed his will in December 2018 to make his wishes crystal clear. Knowing this Amelia Besola attempted to wrest control of the Estate, dismissed its claims against her and has continued to try and prevent its orderly administration in accord with Mark Besola's wishes. Both Motions should be denied.

Respectfully submitted this 17<sup>th</sup> day of December, 2019.

GORDON THOMAS HONEYWELL LLP

By Stephanie Bloomfield  
Stephanie Bloomfield, WSBA 24251  
Andrea McNeely, WSBA 36156  
Attorneys for Eric Pula, Personal Representative

# CERTIFICATE OF SERVICE

The undersigned declares that a true and correct copy of the foregoing pleadings, to which this Certificate is attached, was served on all counsel of record as follows:

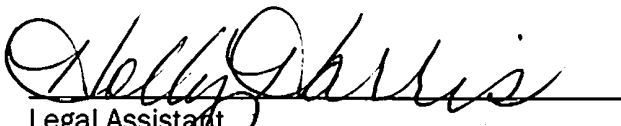
<p>Quentin Wilsmith, WSBA No. 25644  Lasher Holzapfel Sperry &amp; Ebberson PLLC  2600 Two Union Square  601 Union Street  Seattle WA 98101-4000  206-624-1230  Facsimile 206-340-2563  Email: wildsmith@lasher.com  Attorneys for Julia Besola-Robinson</p>	<p><input type="checkbox"/> Via Messenger  <input type="checkbox"/> Via U.S. Mail  <input checked="" type="checkbox"/> Via E-filing Notification/LINX  <input checked="" type="checkbox"/> Email</p>
<p>Daniel K. Walk, WSBA No. 52017  Morton McGoldrick PLLC  820 A Street, Suite 600  Tacoma WA 98402  Telephone: 253-627-8131  Facsimile: 253-272-4338  Email: dwalk@bvmmm.com  Attorneys for Brandon Gunwall</p>	<p><input type="checkbox"/> Via Messenger  <input type="checkbox"/> Via U.S. Mail  <input checked="" type="checkbox"/> Via E-filing Notification/LINX  <input checked="" type="checkbox"/> Email</p>
<p>Desmond Kolke, WSBA No. 23563  Law Office of Desmond D. Kolke  1201 Pacific Avenue Suite 600  Tacoma WA 98402  Telephone: 888-631-6957  Facsimile: 253-275-6079  Email: ddklawoffice@gmail.com  Attorneys for Amelia Besola</p>	<p><input type="checkbox"/> Via Messenger  <input type="checkbox"/> Via U.S. Mail  <input checked="" type="checkbox"/> Via E-filing Notification/LINX  <input checked="" type="checkbox"/> Email</p>
<p>C. Tyler Shilito, WSBA No. 36774  Morgan K. Madison, WSBA No. 46388  Smith Alling PS  1501 Dock Street  Tacoma WA 98402  Telephone: 253-627-1091  Facsimile: 253-627-0123  Email: tyler@smithalling.com;  morganm@smithalling.com  Attorneys for Amelia Besola</p>	<p><input type="checkbox"/> Via Messenger  <input type="checkbox"/> Via U.S. Mail  <input checked="" type="checkbox"/> Via E-filing Notification/LINX  <input checked="" type="checkbox"/> Email</p>
<p>Stuart C. Morgan, WSBA No. 26368  Grady R. Heins, WSBA No. 54262</p>	<p><input type="checkbox"/> Via Messenger  <input type="checkbox"/> Via U.S. Mail</p>

RESPONSE OF PERSONAL REPRESENTATIVE - 14 of 15  
(19-4-00016-6)  
[4812-2122-1039]

LAW OFFICES  
GORDON THOMAS HONEYWELL LLP  
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TACOMA, WASHINGTON 98402  
(253) 620-6500 • FACSIMILE (253) 620-6565

1 Ledger Square Law PS 2 710 Market Street 3 Tacoma WA 98402 4 Telephone: 253-327-1900 5 Facsimile: 253-327-1700 Email: stu@ledgerssquarelaw.com; gradv@ledgerssquarelaw.com Attorneys for Amelia Besola	<input checked="" type="checkbox"/> [ X ] Via E-filing Notification/LINX <input checked="" type="checkbox"/> [ X ] Email
6 Elizabeth Thompson, WSBA No. 32222 7 PO Box 1652 8 Milton WA 98354 9 Telephone: 253-329-1656 10 Facsimile: 253-793-1776 11 Email: ethompson@elizabeththompsonlaw.com Attorney for Eric Pula, in his individual capacity at beneficiary	<input type="checkbox"/> [ ] Via Messenger <input type="checkbox"/> [ ] Via U.S. Mail <input checked="" type="checkbox"/> [ X ] Via E-filing Notification/LINX <input checked="" type="checkbox"/> [ X ] Email

12  
 13 Dated this 12<sup>th</sup> day of December, 2019 at Tacoma, Pierce County, Washington.

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 17 Legal Assistant  
 18 Gordon Thomas Honeywell LLP  
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August 27 2019 9:54 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 19-4-00016-6

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

IN RE: )  
MARK LESTER BESOLA. ) NO. 19-4-00016-6  
Deceased. ) SATISFACTION OF  
CREDITOR'S CLAIM AND  
DECLARATION OF MAILING

COMES NOW the Claimant Lucas & Lucas, P.S., and gives notice that the  
Creditor's Claim filed by Lucas & Lucas, P.S. in the above matter has been satisfied in  
full.

DATED this 26<sup>th</sup> day of August, 2019.

Respectfully submitted.

LUCAS & LUCAS, P.S.

Gregory D. Lucas, WSBA #16799  
Attorneys at Law

SATISFACTION OF CREDITOR'S CLAIM OF  
CLAIMANT LUCAS & LUCAS, P.S. - 1

LUCAS & LUCAS, P.S.  
919 124TH AVENUE N.E., SUITE 101  
BELLEVUE, WASHINGTON 98005  
425-454-3302

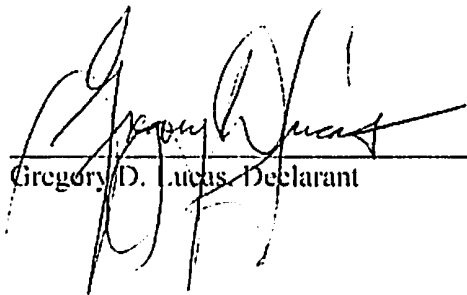
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CERTIFICATE OF SERVICE

I, Gregory D. Lucas, hereby certify that on this 26<sup>th</sup> day of August, 2019, I did cause to be served the foregoing Satisfaction of Creditor's Claim to the following persons, by mailing first-class postage prepaid a copy of the same to:

Desmond Kolke,  
Attorney for Amelia Besola  
1201 Pacific Avenue, #600  
Tacoma, WA 98402

Daniel K. Walk,  
Attorney for Brandon Gunwall  
Morton McGoldrick  
820 "A" Street, Suite 600  
PO Box 1533  
Tacoma, WA 98401

  
\_\_\_\_\_  
Gregory D. Lucas, Declarant

SATISFACTION OF CREDITOR'S CLAIM OF  
CLAIMANT LUCAS & LUCAS, P.S. - 2

LUCAS & LUCAS, P.S.  
919 124TH AVENUE N.E., SUITE 101  
BELLEVUE, WASHINGTON 98005  
425-454-3302



November 19 2019 10:27 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 19-4-00016-6

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

In the matter of the Estate of

MARK LESTER BESOLA,

Deceased

NO. 19-4-00016-6

BRANDON GUNWALL'S RESPONSE IN  
OPPOSITION TO JULIA BESOLA'S OBJECTION  
TO GRANT OF LETTERS TESTAMENTARY

**I. INTRODUCTION AND RELIEF REQUESTED**

COMES NOW Brandon Gunwall, by and through his attorney undersigned, and offers the following response to Julia Besola's Objection to Grant of Letters Testamentary. Julia Besola's Objection is not timely as Letters Testamentary have already issued to Eric Pula and therefore this pleading should not even be considered by this Court. If the Court is inclined to consider Ms. Besola's Objection, it should be heard and decided by the Honorable Judge Kathryn J. Nelson, who already heard and decided an almost identical (in alleged fact and argument regarding Eric Pula's ability to serve as personal representative) Motion for Revision of the Order admitting the subject will to probate and appointing Eric Pula as personal representative that was filed by Julia Besola's sister, Amelia Besola. Regardless of who reviews these pleadings and hears oral arguments on the same, the Court cannot grant the relief requested – namely, for “entry of an Order denying issuance of letters testamentary to Mr. Pula . . . and instead appointing a neutral third party Personal Representative” – because it is an impossibility to do so as letters have already issued

RESPONSE IN OPPOSITION TO JULIA  
BESOLA'S OBJECTION TO GRANT OF  
LETTERS TESTAMENTARY

-1-



MORTON  
McGOLDRICK, P.S.  
ATTORNEYS AT LAW

820 "A" Street, Suite 600  
P.O. Box 1533  
Tacoma, Washington 98401  
(253) 827-8131  
Fax: (253) 272-4338

1 from the clerk of this Court. Further, *even if the relief requested were proper*, it should not be  
2 granted nearly two months after Mr. Pula's appointment and issuance of his letters, based on an  
3 Objection containing false facts as well as arguments which have already been made and rejected  
4 *twice* by this Court.

## 5 II. FACTS AND PROCEDURAL HISTORY

6 A number of false statements of fact are presented in Julia Besola's Objection. First, that  
7 Brandon Gunwall filed the Decedent's Will with the Court on May 8, 2019. Mr. Gunwall did  
8 not file the Decedent's Will, but Mr. Pula did, who also noted up a hearing for June 3, 2019 on  
9 the same. *Declaration of Daniel K. Walk In Support of Response in Opposition to Julia Besola's*  
10 *Objection to Grant of Letters Testamentary* ("Walk Decl.") at ¶2; See also *Note for*  
11 *Commissioner's Calendar* filed and signed by Eric Pula on May 20, 2019. Next, Julia Besola  
12 states that Mr. Pula brought the September 16, 2019 petition to enter the Will into Probate,  
13 revoke Amelia Besola's letters of administration, and issue letters testamentary or letters of  
14 administration with will annexed. Of course, the record is clear that this Petition was brought by  
15 Mr. Gunwall, not Mr. Pula, after months of Amelia Besola (then administrator of the Estate of  
16 Mark Lester Besola) taking no action to investigate the Will that had been filed, specifically  
17 barring her from inheriting for administering the Decedent's estate. *Walk Decl.* at ¶3; See also  
18 *Last Will and Testament* filed May 8, 2019.

19 Julia Besola indeed was not given notice of the hearing on the aforementioned petition,  
20 but despite the apparent assertion or insinuation that she was entitled to notice of this petition and  
21 hearing, she was not. See RCW 11.68.041(1) and RCW 11.68.011(2)(a). Incidentally however,  
22 her sister, Amelia Besola, was given notice and was present at the hearing on the same and made  
23 many of the same arguments being made by Julia Besola today – all of which were rejected by



1 the Court. See *Clerk's Minute Entry* for September 26, 2019; See also *Verbatim Report of*  
2 *9/26/19 Hearing* at page 10, filed October 7, 2019. Julia Besola's sister, Amelia Besola, also  
3 brought a Motion for Revision of the September 26, 2019 Order Admitting the Will to Probate  
4 (discussed further below) wherein she made more of the same arguments which were again  
5 rejected by the Court. See Amelia Besola's *Motion for Revision* filed October 7, 2019; See also  
6 *Order on Motion Revision* filed October 18, 2019, denying Amelia Besola's Motion for  
7 Revision. Much has been said about Mr. Pula's alleged criminal record, in all of these pleadings  
8 and hearings, but the record is clear that the JIS Report, and other exhibits to declarations from  
9 Amelia Besola and her counsel, were considered by the Commissioner and Judge Nelson and  
10 Mr. Pula was appointed nonetheless. *Id.*

11 Next, Julia Besola's Objection jumps from the September 26, 2019 hearing where the  
12 Decedent's Will was entered into probate and Mr. Pula was appointed as the personal  
13 representative to her sister's October 7, 2019 filing of a Motion to revise that September 26,  
14 2019 Order. Conveniently, this timeline of events leaves out the September 27, 2019 Oath filed  
15 by Mr. Pula and the subsequent Letters Testamentary that were issued that same day. See *Oath*  
16 filed on September 27, 2019; See also *Letters Testamentary* issued September 27, 2019.

17 Julia Besola then states another mistruth – that the Honorable Judge Kathryn J. Nelson  
18 required that Mr. Pula post a bond “prior to the issuance of letters testamentary.” See Julia  
19 Besola's *Objection to Grant of Letters Testamentary* at Page 3, Lines 5-11. Ironically, Julia  
20 Besola quotes language from the October 18, 2019 Order Denying the Motion for Revision with  
21 regards to the amount of bond required and when that bond must be posted, but then adds  
22 additional commentary, not contained in Judge Nelson's ruling, that this was to happen “prior to  
23 the issuance of letters.” *Id.* This language regarding the bond posting prior to letters issuing to

1 Mr. Pula is no where in the record and would have been illogical because, as the record clearly  
2 shows, the letters testamentary issued almost a month before Judge Nelson made her ruling.

3 Next, Julia Besola asserts that Mr. Pula is embroiled in contentious “civil and criminal  
4 proceedings involving Mark, Mark’s estate, and roommates/colleagues of Mr. Pula,” and then  
5 goes on to list the three examples of these cases. Of course, none of the three examples listed are  
6 criminal in nature so the inclusion of “criminal” is obviously intended to poison the Court  
7 against him and apparently against Kelly McGraw as well despite a lack of any nexus between  
8 them. Further, the three examples are all civil cases that have been either brought by, or because  
9 of, Julia Besola’s sister, Amelia Besola. To assert that a person can simply file unfounded  
10 allegations in a TEDRA action against another person, or against the friend/roommate/colleague  
11 of another person, and use those allegations to support a claim that they are unsuitable to serve as  
12 personal representative of an estate where they are duly nominated and otherwise qualified, is  
13 not only dishonest but also irresponsible. Julia Besola also falsely states that the third action, the  
14 interpleader in Federal Court filed by New York Life Insurance Co. who was holding funds from  
15 the Decedent subject to certain designated beneficiary forms, is “seeking to restrain distribution”  
16 of the same when in reality, the action was simply filed by New York Life as a protective  
17 measure, which is further evidenced by the subsequent motion and order to deposit the funds into  
18 the registry of the court and be dismissed from the suit. As is the case in most interpleader  
19 actions of this nature, New York Life did not dispute that the money was owed to someone, they  
20 simply did not want to be the one to decide who would be paid, leaving the issue for the Court to  
21 decide. *Walk Decl.* at ¶¶4-5, Exhibits A and B.

22 //

23 //



1                                   **III.     LEGAL AUTHORITY AND ARGUMENT**

2     Julia Besola was not Entitled to Notice of the Petition or Hearing.

3             RCW 11.68.041(1) states that advance notice of the hearing on petition for  
4     nonintervention powers is not required where the court is required to grant them under RCW  
5     11.68.011(2)(a) and (b). RCW 11.68.011(2)(a) states that the court is required to grant  
6     nonintervention powers when a nominated personal representative in the will is the petitioner  
7     and the will does not say that the court should not grant them. Here, the Decedent's Will  
8     nominates Eric Pula and does not state that the court should not grant nonintervention powers.  
9     Therefore, Mr. Pula is entitled to serve, and no notice of the hearing was necessary to any of the  
10    heirs and/or beneficiaries of the estate and will.

11    There is a Difference between RCW 11.28.020 and RCW 11.28.250.

12            RCW 11.28.020 says that an interested party can file objections in writing to the granting  
13    of letters testamentary. This assumes of course that the letters have not yet been granted. The  
14    caselaw that Julia Besola relies upon and all the other caselaw that appears to be on point, deals  
15    with petitions that have not yet been granted and therefore an objection was proper. Unlike the  
16    case cited, and others available, this is not the case here. Here, we have a personal representative  
17    who has already been appointed and to whom letters testamentary have already been issued.  
18    Therefore, this Objection filed by Julia Besola is not timely and should not be considered.

19            I imagine however, that Julia Besola will still want her requested relief of not having Eric  
20    Pula or Kelly McGraw serve as personal representative of the estate, and perhaps ask the court to  
21    revoke Mr. Pula's letters testamentary nonetheless. This would be to conflate RCW 11.28.020  
22    with RCW 11.28.250. RCW 11.28.250 states that where a Court has reason to believe that the  
23    personal representative has effectively breached their fiduciary duty to the estate, their letters



1 may be revoked. Given that the facts here are that letters have already issued, Julia Besola  
2 would have to show that Mr. Pula has breached his duties to the estate in order for his letters to  
3 be revoked.<sup>1</sup>

4 There is a Difference Between RCW 11.28.210 and RCW 11.28.185.

5 Because the record is clear that there was a petition to admit the Decedent's Will and  
6 appoint a personal representative, that the letters testamentary *already issued* prior to Judge  
7 Nelson's order that Mr. Pula post a bond, and that posting bond is contingent on Amelia Besola  
8 transferring the estate assets to Mr. Pula which has not yet happened, the bond in question here is  
9 under RCW 11.28.210, rather than RCW 11.28.185. Julia Besola has taken the incorrect stance  
10 that no letters have issued – asserting that the letters testamentary are subject to the ordered bond  
11 – but this is factually inaccurate. In reality, the letters have issued, and thus this is a “new” bond.

12 RCW 11.28.210 states that a person can petition the Court regarding the sufficiency of  
13 any bond and the Court can then “require the personal representative to give a new, or additional,  
14 bond[.]” This is effectively what happened in this case. Mr. Pula was appointed without bond,  
15 and when Amelia Besola filed her Motion of Revision of that Order, she also asked for a bond to  
16 be ordered. The Court obliged regarding the bond and ordered that a “new” bond be posted by  
17 Eric Pula once the estate administration had been transferred to him. RCW 11.28.185 conversely  
18 discusses ordering a bond before appointment. Ironically, this statute also states that “[w]hen the  
19 terms of the decedent's will manifest an intent that the personal representative appointed to  
20 administer the estate shall not be required to furnish bond or other security . . . then such  
21

22 <sup>1</sup> Although Amelia Besola's letters of administration were revoked by order of the Court on September 26, 2019, she  
23 was granted an extension to turn over administration of the estate to Mr. Pula, which time expired on November 17,  
2019. Even if the estate assets were released to Mr. Pula timely, he would have only been “administering” the estate  
for approximately four days as of the date of the hearing of this motion and it is unlikely the movant can show a  
breach of his duties in those four days. The record is silent as to any alleged breach by Mr. Pula.





1 personal representative shall not be required to give bond or other security as a condition of  
2 appointment.” This is also applicable here – in other words, even if we were in the correct  
3 procedural posture for Julia Besola to be requesting this relief, the court is directed that Mr. Pula  
4 shall not be required to furnish a bond or other security at that point.

5 There is no Conflict Between Mr. Pula’s Right to Administer and the Beneficiaries’ Inheritance.

6 Julia Besola asserts that because Mr. Pula is alleged to have conflicts in serving as the  
7 personal representative, that he will not be able to administer the estate in the beneficiaries’ best  
8 interests. This ignores of course, that Mr. Pula is also a beneficiary and has every reason to  
9 administer the estate properly to protect his distributive share of the estate which is, perhaps  
10 ironically, substantially more valuable than her specific bequest. The likelihood that Mr. Pula  
11 will cause such severe damage to the assets of the estate so as to prohibit Julia Besola from  
12 receiving a partial interest in a single piece of property, which is the only thing devised to her by  
13 the Decedent, when the estate is valued, according to the incomplete inventory and appraisalment  
14 of the prior administrator, Amelia Besola, at over \$5,000,000.00 is infinitesimal. See *Last Will*  
15 *and Testament* filed May 8, 2019; See also *Declaration of Amelia Besola in Support of Petition*  
16 *for More Time* at Exhibit A, filed October 7, 2019 Conversely, Mr. Pula is entitled to 55% of the  
17 residue which gives him significant incentive to ensure that the estate is properly administered.  
18 See *Last Will and Testament* filed May 8, 2019.

19 There is no Evidence that Kelly McGraw is Disqualified from Serving.

20 In the unlikely event that the Court determines that Eric Pula cannot serve as the personal  
21 representative of the estate, Kelly McGraw should be appointed in his place as the person who is  
22 properly nominated as successor personal representative in the Decedent’s Will. There is simply  
23 no evidence to support the assertion that Kelly McGraw should not be allowed to serve. Julia



1 Besola's Objection devotes roughly two full pages to going over Mr. Pula's alleged disqualifying  
2 history but fails to show why the Commissioner's and Judge Nelson's prior consideration of his  
3 past were insufficient. It is important to note, however, the extent and length of the materials  
4 that focus on Mr. Pula's alleged criminal history because once it stands in stark contrast to any  
5 evidence regarding Kelly McGraw. After Julia Besola completes her attempted character  
6 assassination of Mr. Pula she devotes less than one paragraph to Kelly McGraw, the nominated  
7 successor personal representative. Yet she then draws the conclusion that Ms. McGraw is  
8 similarly unfit to serve as personal representative. Even if the Court were to decide that Mr. Pula  
9 is disqualified or unfit to serve, Julia Besola has not offered any evidence to support this claim  
10 other than the fact that Ms. McGraw happened to live with the Decedent, Mr. Pula, and Mr.  
11 Gunwall and that she was a defendant in an improper unlawful detainer action brought by the  
12 now removed Amelia Besola.

#### 13 IV. CONCLUSION

14 The Objection before the Court today is not timely and is improper and should therefore  
15 not be considered by this Court. If the Court is inclined to consider this Objection, the  
16 Commissioner should refuse to hear it and it should be noted on Judge Nelson's calendar as she  
17 is familiar with the facts of the case and has directed that any new actions in this case be linked  
18 to her. If the Court does consider this Objection, the relief requested should be denied as  
19 impossible. If the Court deems that it is not impossible, it should deny the relief requested  
20 regardless, as these are issues that have already been presented and rejected by this Court twice  
21 before.

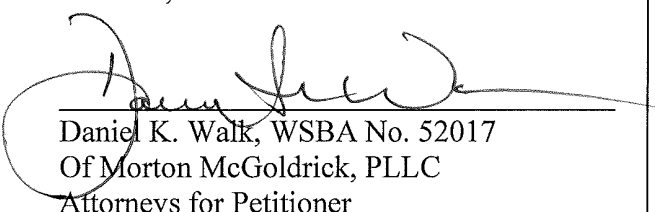
22 //

23 //





1 RESPECTFULLY SUBMITTED this 18<sup>th</sup> Day of November, 2019.

2  
3   
4 Daniel K. Walk, WSBA No. 52017  
Of Morton McGoldrick, PLLC  
Attorneys for Petitioner

5  
6 **CERTIFICATE OF SERVICE**

7 I declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

8 I am employed by the law firm of Morton McGoldrick, PLLC.

9 At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the state of Washington, over the age of eighteen (18) years, not a party to the above entitled action, and competent to be a witness herein.

10 On the date set forth below I served in the manner noted the document(s) entitled: **BRANDON GUNWALL'S RESPONSE IN OPPOSITION TO JULIA BESOLA'S OBJECTION TO GRANT OF LETTERS TESTAMENTARY** on the following person(s):

11 Elizabeth C. Thompson 12 Law Offices of Elizabeth Thompson, PLLC 13 P.O. Box 1652 14 Milton, WA 98354 Email: ethompson@elizabeththompsonlaw.com	<input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail: <input type="checkbox"/> Telecopier <input type="checkbox"/> Messenger for delivery on _____ <input checked="" type="checkbox"/> E-service via Pierce County Linx
15 Desmond Kolke 16 Law Offices of Desmond Kolke 17 1201 Pacific Ave Ste 600 Tacoma, WA 98402-4384 Email: <a href="mailto:ddklawoffice@gmail.com">ddklawoffice@gmail.com</a>	<input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Telecopier <input type="checkbox"/> Messenger for delivery on _____ <input checked="" type="checkbox"/> E-service via Pierce County Linx
18 C. Tyler Shillito 19 Morgan Madison 20 Smith Alling PS 21 1501 Dock Street 22 Tacoma, WA 98402 23 Emails: <a href="mailto:tyler@smithalling.com">tyler@smithalling.com</a> <a href="mailto:morgannm@smithalling.com">morgannm@smithalling.com</a> <a href="mailto:LisaL@smithalling.com">LisaL@smithalling.com</a>	<input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Telecopier <input type="checkbox"/> Messenger for delivery on _____ <input checked="" type="checkbox"/> E-service via Pierce County Linx

RESPONSE IN OPPOSITION TO JULIA  
BESOLA'S OBJECTION TO GRANT OF  
LETTERS TESTAMENTARY

-9-

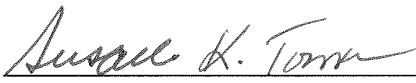


MORTON  
McGOLDRICK, PLLC  
ATTORNEYS AT LAW

820 "A" Street, Suite 600  
P.O. Box 1533  
Tacoma, Washington 98401  
(253) 627-8131  
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1 Stuart C. Morgan 2 Grady R. Heins 3 Ledger Square Law, P.S. 4 710 Market St. 5 Tacoma, WA 98402  6 Emails: 7 stu@ledgersquarelaw.com 8 grady@ledgersquarelaw.com	<input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Telecopier <input type="checkbox"/> Messenger for delivery on _____ <input checked="" type="checkbox"/> E-service via Pierce County Linx
6 Quentin Wildsmith, WSBA #25644 7 Lasher Holzapfel Sperry & Ebberson, PLLC 8 2600 Two Union Square 9 601 Union Street 10 Seattle, WA 98101-4000  11 wildsmith@lasher.com	<input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Telecopier <input type="checkbox"/> Messenger for delivery on _____ <input checked="" type="checkbox"/> E-service via Pierce County Linx

DATED this 19<sup>th</sup> day of November, 2019, at Tacoma, Washington.

  
 Susan K. Toma



January 08 2020 3:42 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 19-4-00016-6

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR PIERCE COUNTY

In the matter of the Estate of  
  
MARK LESTER BESOLA,  
  
Deceased.

NO. 19-4-00016-6

MOTION FOR ALTERNATE SECURITY FOR  
PERSONAL REPRESENTATIVE

ASSIGNED TO THE HONORABLE KATHRYN  
NELSON

Hearing Date: January 17, 2020

I. INTRODUCTION

Eric Pula, Personal Representative of the Estate of Mark Lester Besola ("Pula") asks the Court for an Order granting alternate security in lieu of a Personal Representative's bond so that he may fulfill his responsibilities. The sole purpose of a Personal Representative's bond is to provide security to protect the assets of an estate for its creditors and beneficiaries. However, Washington law recognizes that means other than a bond can provide that security. Pula was specifically chosen by Mark Besola to serve as the Personal Representative of his estate. In doing so, Mark Besola recognized that Pula is a young man at the beginning stages of his career and has not yet had the opportunity to establish a credit history or a mortgage. As a result, Besola's will specifically provides that the Personal Representative need not post a bond.

PR Mot for Alternate Security - 1 of 9  
(19-4-00016-6)  
(4837-4266-3342)

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However, Pula recognizes the contentious nature of this probate and respects the Court's instruction to provide security under these circumstances. Pula has worked diligently to seek a bond in the amount of \$250,000, but has not been able to do so. However, Pula is amply supported by family and represented by experienced counsel. The Besola Estate includes less than \$75,000 in liquid assets; the rest is real estate, or real estate in LLCs. Under these circumstances the Court should grant alternate security and allow the Besola estate to be administered by Mark Besola's chosen Personal Representative.

## II. STATEMENT OF FACTS

The facts regarding Mark Besola's intent and the procedural history in this matter and related matters have previously been well briefed to this Court in the Personal Representative's Opposition to Julia Besola-Robinson's Objection to Grant of Letters Testamentary and Amelia Besola's Petition for Orders to Issue Citation, heard on December 20, 2019.

Since that motion, the Personal Representative has diligently worked to obtain a bond. He applied to several surety companies. See *Declaration of Shelly Potter filed herewith*. Agents stated that the denial was due to his inexperience and to the dissention in the estate. *Id.* Pula even sought to have his grandparents co-sign on the bond, but on January 1, 2020, Eric Pula's grandmother unexpectedly passed away. See *Declaration of Tiffany Pula*. Although Pula remains supported by his immediate and extended family, he does not anticipate being able to obtain a bond and seeks alternate security.

### III. EVIDENCE RELIED UPON

## The Declaration of Tiffany Pula;

## The Declaration of Shelly Potter;

1 The December 19, 2019 Declaration of Eric Pula;

2 The December 20, 2019 Declaration of Kelly McGraw;

3 The papers and pleadings on file in this and the related matters: *In re Estate of*  
4 *Mark L. Besola*, Pierce County Cause No. 19-4-01945-2 and *Besola v. Brandon Gunwall*,  
5 *et al*, Pierce County Cause No. 19-4-01902-9.  
6

7 III. LEGAL AUTHORITY

8 Under Washington law, the right of a testator to determine his executor is  
9 paramount and is "coextensive with the power to devise or bequeath the estate itself."  
10 *State ex rel. Lauridsen v. Superior Court for King County*, 179 Wn. 198, 204, 37 P.2d  
11 209 (1934). The appointment should not be overruled unless there is a statutory  
12 disqualification or fraud. *Id.* at 207. Pula's appointment was carefully considered by the  
13 Commissioner, again by this Court on Amelia Besola's Motion for Revision, and a third  
14 time by this Court on December 20, on Julia Besola-Robinson's Objection to Grand of  
15 Letters Testamentary and Amelia Besola's Petition for Orders to Issue Citation.  
16

17 The sole issue here is whether Mark Besola's chosen Personal Representative can  
18 offer an alternative to a bond that would provide security to the estate. He can. RCW  
19 11.28.185 specifically provides in relevant part as follows:

20 In lieu of bond, the court may in its discretion, substitute  
21 other security or financial arrangements, such as provided  
22 under RCW 11.88.105,<sup>1</sup> or as the court may deem adequate  
23 to protect the assets of the estate.

24 <sup>1</sup> RCW 11.88.105 provides that when "all or a portion of the estate consisting of cash or securities has  
25 been placed in possession of savings and loan associations or banks, trust companies, escrow  
26 corporations, or other corporations approved by the court and if a verified receipt signed by the  
custodian of the funds is filed by the guardian or limited guardian in court stating that such  
corporations hold the cash or securities subject to order of court, the court may in its discretion  
dispense with the bond or reduce the amount of the bond by the amount of such deposits." This  
provision remains in effect until January 1, 2021.

1           Moreover, under RCW 11.96A.020 the Court has broad plenary power to  
2 administer and settle all matters concerning estates:

3           If this title should in any case or under any circumstance be  
4 inapplicable, insufficient, or doubtful with reference to the  
5 administration and settlement of the matters listed in  
6 subsection (1) of this section, the court nevertheless has full  
7 power and authority to proceed with such administration and  
8 settlement in any manner and way that to the court seems  
right and proper, all to the end that the matters be  
expeditiously administered and settled by the court.

9 RCW 11.96A.020(2) (emphasis added).

10           In keeping with these powers, the Court has the authority to “make, issue, and  
11 cause to be filed or served, any and all manner and kinds of orders, judgments, citations,  
12 notices, summons, and other writs and processes that might be considered proper or  
13 necessary in the exercise of the jurisdiction or powers given or intended to be given by  
14 this title.” RCW 11.96A.060. Together these provisions allow the court to waive the  
15 requirement of a bond, reduce the amount of the bond, or order alternate security in lieu  
16 of the bond. The goal of the bond requirement is to protect the interests of the estate.  
17 RCW 11.28.185.

18           Here, as the Court is aware, Mark Besola expressly waived the bond requirement  
19 in his will, which makes clear that Mark believed Eric is the intended executor and  
20 wanted him to serve without any bond. Under these circumstances, RCW 11.28.185  
21 provides that “[w]hen the terms of the decedents will manifest an intent that the Personal  
22 Representative appointed to administer the estate shall not be required to furnish bond  
23 or other security...then such Personal Representative shall not be required to give bond  
24 or other security as a condition of appointment.” The Personal Representative  
25 understands the Court’s October 18 Order imposes a bond, given the litigation brought by  
26

1 Amelia and Julia Besola. However, in light of his inability to secure a bond, the  
2 circumstances here are precisely the type of scenario in which a form of alternate  
3 security is appropriate.  
4

5 According to the Inventory filed under seal by Amelia in December 2019, the  
6 estate highly solvent but not liquid. In addition, there are limited claims against the estate  
7 (other than disputes about who should inherit). Because the bulk of the assets are in real  
8 property and Pula is working closely with professionals, the risk that the Personal  
9 Representative would or could abscond with estate assets is low. Any sale of real property  
10 would be deliberate and regulated, involving real estate professionals, attorneys, escrow  
11 companies, and title companies.

12 A number of alternate avenues of security exist. The Personal Representative  
13 notes the following factors:

- 14 1. According to the Inventory filed by Amelia Besola, the estate has \$69,518.48  
15 in liquid assets, \$3,415,604.00 in real property, and \$47,142.08 in debts.  
16 See "Inventory and Appraisement" filed December 2, 2019.  
17
- 18 2. Several parties have filed Requests for Special Notice and therefore will be  
19 notified by the Personal Representative before any actions in the Requests  
20 occur, particularly distributions to beneficiaries and payment of attorneys'  
21 fees.
- 22 3. The estate needs to determine and pay its tax obligations.
- 23 4. The Personal Representative needs to publish notice to creditors (which does  
24 not appear to have been done), evaluate creditors, pay bills related to estate  
25 assets, and in general conduct the affairs of the estate.  
26





1 both goals are served by an order providing for the Personal Representative to offer  
2 alternate security in lieu of a bond.

3  
4 Dated this 8th day of January, 2020.

5 GORDON THOMAS HONEYWELL LLP

6 By 

7 Stephanie L. Bloomfield, WSBA No. 24251

8 sbloomfield@gth-law.com

9 Andrea H. McNeely, WSBA No. 36156

10 amcneely@gth-law.com

11 Attorneys for Eric Pula, Personal Representative

CERTIFICATE OF SERVICE

The undersigned declares that a true and correct copy of the foregoing pleadings, to which this Certificate is attached, was served on all counsel of record as follows:

Quentin Wildsmith, WSBA No. 25644 Lasher Holzapfel Sperry & Ebberson PLLC 2600 Two Union Square 601 Union Street Seattle WA 98101-4000 206-624-1230 Facsimile 206-340-2563 Email: wildsmith@lasher.com Attorneys for Julia Besola-Robinson	<input type="checkbox"/> Via Messenger <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via E-filing Notification/LINX <input checked="" type="checkbox"/> Email
Daniel K. Walk, WSBA No. 52017 Morton McGoldrick PLLC 820 A Street, Suite 600 Tacoma WA 98402 Telephone: 253-627-8131 Facsimile: 253-272-4338 Email: dwalk@bvmm.com Attorneys for Brandon Gunwall	<input type="checkbox"/> Via Messenger <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via E-filing Notification/LINX <input checked="" type="checkbox"/> Email
Desmond Kolke, WSBA No. 23563 Law Office of Desmond D. Kolke 1201 Pacific Avenue Suite 600 Tacoma WA 98402 Telephone: 888-631-6957 Facsimile: 253-275-6079 Email: ddklawoffice@gmail.com Attorneys for Amelia Besola	<input type="checkbox"/> Via Messenger <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via E-filing Notification/LINX <input checked="" type="checkbox"/> Email
C. Tyler Shillito, WSBA No. 36774 Matthew C. Niemela, WSBA No. 49610 Smith Alling PS 1501 Dock Street Tacoma WA 98402 Telephone: 253-627-1091 Facsimile: 253-627-0123 Email: tyler@smithalling.com; mattn@smithalling.com Attorneys for Amelia Besola	<input type="checkbox"/> Via Messenger <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via E-filing Notification/LINX <input checked="" type="checkbox"/> Email

PR Mot for Alternate Security - 8 of 9  
(19-4-00016-6)  
(4837-4266-3342)

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7 Elizabeth Thompson, WSBA No. 32222 8 PO Box 1652 9 Milton WA 98354 Telephone: 253-329-1656 Facsimile: 253-793-1776 10 Email: 11 ethompson@elizabeththompsonlaw.com 12 Attorney for Eric Pula, in his individual capacity at beneficiary	<input type="checkbox"/> Via Messenger <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via E-filing Notification/LINX <input checked="" type="checkbox"/> Email

13 Dated this 8th day of January, 2020 at Tacoma, Pierce County, Washington.

14 

15 Legal Assistant  
 16 Gordon Thomas Honeywell LLP

1  
2  
3  
4  
5  
6  
7 SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR PIERCE COUNTY

8 In the matter of the Estate of

9 MARK LESTER BESOLA,

10 Deceased.  
11  
12  
13  
14  
15  
16

NO. 19-4-00016-6

ORDER GRANTING PERSONAL  
REPRESENTATIVE'S MOTION FOR  
ALTERNATE SECURITY

[PROPOSED]

ASSIGNED TO THE HONORABLE KATHRYN  
NELSON

Hearing Date: January 17, 2020

17 THIS MATTER came before the Court on Personal Representative Eric Pula's  
18 motion for alternative security. The Court has reviewed the pleadings filed in support of  
19 the motion and in response to the motion. Having heard oral argument on January 17,  
20 2020, and for the reasons stated in open court, it is now ORDERED as follows:  
21

22 The motion is GRANTED and the Personal Representative is not required to obtain  
23 a bond. Instead, for the reasons stated in open court, the Court finds that under the  
24 circumstances, the following method of alternate security is appropriate and sufficient to  
25 protect the Besola Estate.  
26

ORDER GRANTING PR MOTION FOR ALTERNATIVE SECURITY - 1 of 3  
(19-4-00016-6)  
(4847-9350-6736)

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TACOMA, WASHINGTON 98402  
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1 THEREFORE, IT IS FURTHER ORDERED as follows:

2 1. The Court will allow the Personal Representative to serve with  
3 nonintervention powers and without bond, using liquid assets of the estate to pay for  
4 estate expenses, but directs Mr. Pula to report any sale of real property to the Court and  
5 have any such proceeds deposited into a blocked account. The Personal Representative  
6 will then petition the court for permission to remove amounts from the blocked account  
7 as needed for expenses of administration.  
8

9 2. The Court will, alternately, require the Personal Representative to make  
10 periodic reports regarding the status of the estate and estate assets. The law requires  
11 annual reports; the Court directs Mr. Pula to make such reports every \_\_\_\_\_ months. .  
12

13 Dated this \_\_\_\_\_ day of January, 2020.

14  
15 \_\_\_\_\_  
16 THE HONORABLE KATHRYN NELSON

17 Presented By:

18 GORDON THOMAS HONEYWELL LLP

19 By 

20 Stephanie L. Bloomfield, WSBA No. 24251  
sbloomfield@gth-law.com

21 Andrea H. McNeely, WSBA No. 36156  
amcneely@gth-law.com

22 Attorneys for Eric Pula, Personal Representative  
23  
24  
25  
26

1 Approved as to form:

2 SMITH ALLING P.S.

3  
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9 Attorneys for Amelia Besola

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ORDER GRANTING PR MOTION FOR ALTERNATIVE SECURITY - 3 of 3  
(19-4-00016-6)  
[4847-9350-6736]

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Hon. Kathryn J. Nelson  
Hearing Date: January 17, 2020  
Hearing Time: 9:00 AM

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE**

In the Matter of the Estate of:

MARK LESTER BESOLA,

Deceased.

NO. 19-4-00016-6

RESPONSE TO MOTION FOR  
ALTERNATE SECURITY FOR  
PERSONAL REPRESENTATIVE

COMES NOW Julia Besola-Robinson by and through her attorneys Lasher Holzapfel Sperry & Ebberson, PLLC and requests an order denying Personal Representative Eric Pula's Motion for Alternate Security for Personal Representative. If Mr. Pula cannot obtain the trust of numerous bonding companies, there is no reason for the Court to place its trust in him to serve in a fiduciary capacity. A third party neutral administrator should be appointed in his place.

**I. INTRODUCTION**

There is absolutely zero evidence that Mark Besola elected in the Will being probated (the "Contested Will") to forgo a bond because he "*recognized that Pula is a young man at the beginning stages of his career and has not yet had the opportunity to establish a credit history*

RESPONSE TO MOTION FOR ALTERNATE  
SECURITY FOR PERSONAL REPRESENTATIVE - 1  
{22520/29814/V1090535.DOCX}



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Fax 206 340-2563

1 *or mortgage*” as now argued by Mr. Pula’s attorney. That kind of creative misdirection is  
2 exactly why the other parties to the estate have consistently asked this Court to appoint a third  
3 party neutral to administer this estate. If Mr. Pula cannot be upfront with the Court under these  
4 circumstances, what hope do the parties have that he will fulfill his duties appropriately?  
5

6 The reality is that while the Contested Will did not require a bond<sup>1</sup>, this Court  
7 recognized the risks of letting Mr. Pula serve without a bond, and thus imposed the \$250,000  
8 bond requirement. In the three months since the Court made the bond requirement, Mr. Pula  
9 has not been able to obtain a bond, yet he wants to charge and be paid from the Estate for  
10 approximately \$30,000 in fees and costs for his attorneys during that time<sup>2</sup>. The attorney fees  
11 Mr. Pula has incurred are his responsibility, and now he has employed two law firms to  
12 represent him in the three months since his appointment. Mr. Pula represents that the Estate  
13 has \$69,518.48 in liquid assets. If he is accepted at his word, his lawyer Ms. Thompson, wants  
14 to be paid nearly half of these monies (\$29,816.50) for her representation of Mr. Pula as an  
15 interim award of fees before he even obtained a bond<sup>3</sup>. Considering his representation that the  
16 Inventory also lists \$47,142.08 in debts, Mr. Pula is proposing to create an illiquid Estate  
17 within mere months of his appointment. The risk this creates for the Estate, and its  
18 beneficiaries, is that Mr. Pula will necessarily be encouraged to create cash flow through a fire  
19  
20  
21  
22  
23  
24

25 <sup>1</sup> Most likely because the Will was not actually prepared by Mark Besola himself, but was the subject of undue  
26 influence and the result of Mark’s incapacity.

<sup>2</sup> See Eric Pula’s Motion for an Award of Interim Attorneys’ Fees and Costs, set for hearing on 1/17/2020

<sup>3</sup> See Eric Pula’s Motion for an Award of Interim Attorneys’ Fees and Costs, set for hearing on 1/17/2020.



1 sale of the Estate properties. Had it not been for the objections of the parties, it is likely that  
2 this bond issue would never have been brought to the Court's attention.

3  
4 The fact that numerous bonding companies refused to stake their trust and money on  
5 Mr. Pula after substantial background and reference checks is telling. It makes no sense that  
6 Mr. Pula should serve in a fiduciary capacity if he cannot obtain a bond. This probate  
7 administration is doomed to incur waste, fees, and delays if Mr. Pula remains the personal  
8 representative. He should be replaced by a third party neutral.

9  
10 **II. STATEMENT OF FACTS**

11  
12 Julia agrees with and incorporates herein the Statement of Facts provided in Amelia  
13 Besola's Response to Motion for Alternative Security for Personal Representative.

14  
15 **III. STATEMENT OF ISSUES**

- 16 1. When Mr. Pula is unable to obtain the Court required bond due to the unwillingness of  
17 numerous bonding companies to face the risks inherent with his service as personal  
18 representative, should the Court remove Mr. Pula and replace him with a third party  
19 neutral administrator? YES

20  
21 **IV. EVIDENCE RELIED UPON**

- 22 1. The file and record in Pierce County Superior Court Cause No. 19-2-06937-1.  
23 2. The file and record in Pierce County Superior Court Cause No. 19-4 -01945-2.  
24 3. The file and record in Pierce County Superior Court Cause No. 19-4-01902-9.  
25  
26

- 1 4. The file and record in U.S. District Court, Western District of Washington Cause No.  
2 2:19-CV-00226-RSL.  
3  
4 5. The file and record herein.

5 **V. LEGAL AUTHORITY AND ARGUMENT**

6 In both guardianship and probate cases, the purpose of the requirement to file a bond is  
7 the same: to protect the interests of the incompetent or the estate. *Williams-Moore v. Estate of*  
8 *Shaw*, 122 Wn. App. 871, 877–78, 96 P.3d 433, 437 (2004), as amended (Sept. 3, 2004).

9 Consistent with this reasoning, RCW 11.28.185 provides in relevant part:  
10

11 Every person required to furnish bond must, before receiving letters  
12 testamentary or of administration, execute a bond to the state of Washington  
13 conditioned that the personal representative shall faithfully execute the duty of  
14 the trust according to law.

15 The court may at any time after appointment of the personal representative  
16 require said personal representative to give a bond or additional bond, the same  
17 to be conditioned and to be approved as provided in this section; or the court  
18 may allow a reduction of the bond upon a proper showing.

19 *In lieu of bond, the court may in its discretion, substitute other security or*  
20 *financial arrangements, such as provided under RCW 11.88.105, or as the court*  
21 *may deem adequate to protect the assets of the estate. (Emphasis added)*

22 The guardian bond statute, RCW 11.88.105, provides:

23 In cases where all or a portion of the estate consisting of cash or securities has  
24 been placed in possession of savings and loan associations or banks, trust  
25 companies, escrow corporations, or other corporations approved by the court  
26 and if a verified receipt signed by the custodian of the funds is filed by the  
guardian or limited guardian in court stating that such corporations hold the cash

1 or securities subject to order of court, the court may in its discretion dispense  
2 with the bond or reduce the amount of the bond by the amount of such deposits.

3  
4 Unlike the situation in the present case, the statutory guidelines for waiving a required bond  
5 contemplate an estate comprised of liquid assets where all cash and securities are placed in  
6 blocked accounts. Mr. Pula instead wants free reign to access and utilize the liquid assets of  
7 the Estate, with after the fact reporting to the Court and the parties.  
8

9 As the probate bonding statute also relies on established guardianship guidelines, it  
10 should also be recognized that the guardianship statutes only permit a complete waiver of bond  
11 (such as Mr. Pula requests) when guardianship estates are valued at less than \$3,000. RCW  
12 11.88.100 makes two exceptions to the bond requirement. The first is exemption of small  
13 estates under \$3,000. That is not the case in this proceeding. The second exception is for  
14 reduction in the amount of the bond as authorized under RCW 11.88.105. That section allows  
15 the court to reduce the amount of the bond, but only for cash and securities. *Estate of Treadwell*  
16 *ex rel. Neil v. Wright*, 115 Wn. App. 238, 249, 61 P.3d 1214, 1219 (2003). The allowable  
17 reduction in the amount of the bond is limited to the amount held in these blocked accounts.  
18 *Id.* Only where the cash and securities held in these accounts represent all of the estate's assets,  
19 the entire bond may be dispensed with. *Id.* Because a blocking agreement is a basis for  
20 reduction of the bond, it is a substitute for a bond. It must be in place before a reduced bond  
21 may be executed.  
22  
23  
24  
25  
26

1 Notably, the situation in the present probate is already violating the intent of the  
2 bonding statutes. Under the plain language of RCW 11.88.100 and .105, letters of guardianship  
3 must not be issued before the cash or securities of the ward are fully covered by a bond or  
4 blocking agreements or a combination of the two. In the present case, Mr. Pula has already  
5 been given his letters testamentary despite his failure to obtain the court required bond. Absent  
6 a bond, the court should revoke the letters testamentary issued to Mr. Pula.  
7  
8

9 Unless a bond is filed, the Estate, its beneficiaries, and its creditors have no protection  
10 in the event of the defalcation by the personal representative. See *Estate of Treadwell ex rel.*  
11 *Neil v. Wright*, 115 Wn. App. 238, 248, 61 P.3d 1214, 1219 (2003); *In re Guardianship of*  
12 *Whitish*, 47 Wn.2d 652, 656, 289 P.2d 340 (1955). The opportunities for loss and defalcation  
13 are as numerous and varied as the multitude of cases that have addressed removal of a personal  
14 representative, because a personal representative acting with non-intervention powers has  
15 broad authority, including:  
16  
17

- 18 • The power to borrow money on the general credit of the estate, and mortgage,  
19 encumber, lease, sell, exchange, and convey the assets of the estate, both real and  
20 personal, all without an order of court and without notice, approval, or confirmation.  
21

22 RCW 11.68.090  
23

- 24 • The right, after having qualified by giving bond, to the immediate possession of all the  
25 real and personal estate of the deceased, and to receive the rents and profits of the real  
26

1 estate until the estate shall be settled or delivered to the heirs or devisees, and to keep  
2 in tenable repair all houses, buildings and fixtures thereon, which are under his  
3 control. RCW 11.48.020  
4

- 5 • The power to accept or reject claims on behalf of the estate, and the compromise and  
6 compound a claim owing the estate without the intervention of the court. RCW  
7 11.40.080, RCW 11.48.130  
8
- 9 • The duty to inventory and appraise the Estate, which must include claims that the  
10 decedent Mark Besola had against Mr. Pula, with liability for neglect and failures  
11 payable through the bond. RCW 11.44.050, .085.  
12
- 13 • The personal representative shall be personally liable to each creditor for his or her  
14 claim and the personal representative shall likewise be liable on his bond to each  
15 creditor. RCW 11.76.160  
16

17 All of these duties require the posting of a bond because Mr. Pula is chargeable with the whole  
18 estate of the decedent. RCW 11.48.030.  
19

20 Counsel for Mr. Pula have consistently defended his appointment by arguing that with  
21 the oversight of legal counsel, the Court and the parties can be assured that there will be no  
22 defalcation. This obviously does not satisfy the bond requirement because the attorneys are  
23 disqualified from acting as sureties, and owe no direct duty to the beneficiaries of the Estate.  
24  
25  
26

1 RCW 11.28.220 (No attorney-at-law shall be taken as surety on any bond required to be taken  
2 in any proceeding in probate).

3  
4 For these reasons, and the reasons already presented to the Court in her Objection to  
5 Issuance of Letters Testamentary, Julia Besola-Robinson respectfully requests entry of an  
6 order denying Mr. Pula's motion, and in the alternative, the Court should remove Mr. Pula and  
7 appoint a third party neutral to serve in his place.  
8

9  
10 Respectfully submitted this 14th day of January, 2020.

11  
12 LASHER HOLZAPFEL  
13 SPERRY & EBBERSON PLLC

14 

15  
16 Quentin Wildsmith, WSBA No. 25644  
17 Attorney for Julia Besola-Robinson  
18  
19  
20  
21  
22  
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25  
26

**CERTIFICATE OF SERVICE**

I, Ellen M. Krachunis, hereby declare as follows:

1. I am a citizen of the United States and a resident of the state of Washington. I am over the age of 18 years and not a party to the within action. I am employed by the law firm of Lasher Holzapfel Sperry & Ebberson PLLC, 601 Union Street, Suite 2600, Seattle, WA 98101.

2. On the 14<sup>th</sup> day of January, 2020, I caused to be served upon counsel of record and all parties entitled to notice, at the address(es) below via email, the foregoing Response:

*Attorney for Eric Pula and Kelly McGraw*

Elizabeth Thompson, WSBA #32222  
Law Office of Elizabeth Thompson PLLC  
PO Box 1652, Milton, WA 98354  
Phone: (253) 329-1656  
Fax: (253) 793-1776  
[ethompson@elizabeththompsonlaw.com](mailto:ethompson@elizabeththompsonlaw.com)

*Attorney for Brandon Gunwall*

Daniel K. Walk, WSBA #52017  
Morton McGoldrick, PLLC  
820 A Street, Suite 600  
Tacoma, WA 98402  
Phone: 253.627.8131  
Fax: 253-272-4338  
[dkwalk@bvmm.com](mailto:dkwalk@bvmm.com)  
cc [SKToma@bvmm.com](mailto:SKToma@bvmm.com)

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[grady@ledgersquarelaw.com](mailto:grady@ledgersquarelaw.com)

*Attorneys for Amelia Besola*

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*Attorneys for Involved Party Amelia Besola*

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Phone: 253-627-1091  
[tyler@smithalling.com](mailto:tyler@smithalling.com)  
[morganm@smithalling.com](mailto:morganm@smithalling.com)

*Attorneys for Eric Pula, Personal Representative*

Stephanie Bloomfield WSBA #24251  
Andrea H. McNeely, WSBA #36156  
Gordon Thomas Honeywell LLP  
1201 Pacific Avenue, Suite 2100  
Tacoma, WA 98402  
[sbloomfield@gth-law.com](mailto:sbloomfield@gth-law.com)  
[amcneely@gth-law.com](mailto:amcneely@gth-law.com)

1 I declare under penalty of perjury under the laws of the State of Washington that the  
2 foregoing is true and correct.

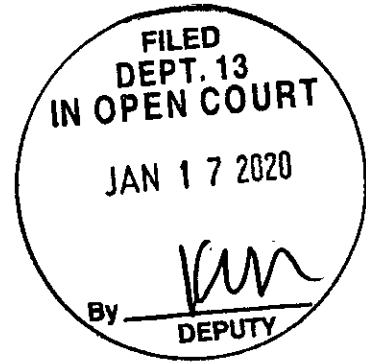
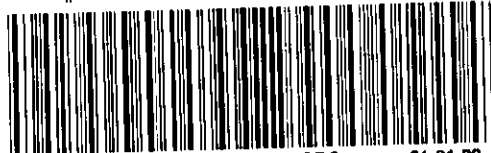
3 Signed at Seattle, Washington this 14<sup>th</sup> day of January, 2020.  
4

5 /s/ Ellen M. Krachunis  
6

7 \_\_\_\_\_  
8 Ellen M. Krachunis  
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SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR PIERCE COUNTY

In the matter of the Estate of  
  
MARK LESTER BESOLA,  
  
Deceased.

NO. 19-4-00016-6

ORDER GRANTING PERSONAL  
REPRESENTATIVE'S MOTION FOR  
ALTERNATE SECURITY

~~PROPOSED~~ [Signature]

ASSIGNED TO THE HONORABLE KATHRYN  
NELSON

Hearing Date: January 17, 2020

THIS MATTER came before the Court on Personal Representative Eric Pula's motion for alternative security. The Court has reviewed the pleadings filed in support of the motion and in response to the motion. Having heard oral argument on January 17, 2020, and for the reasons stated in open court, it is now ORDERED as follows:

The motion is GRANTED and the Personal Representative is not required to obtain a bond. Instead, for the reasons stated in open court, the Court finds that under the circumstances, the following method of alternate security is appropriate and sufficient to protect the Besola Estate.

ORDER GRANTING PR MOTION FOR ALTERNATIVE SECURITY - 1 of 4  
(19-4-00016-6)  
[4847-9350-6736]

LAW OFFICES  
GORDON THOMAS HONEYWELL LLP  
1201 PACIFIC AVENUE, SUITE 2100  
TACOMA, WASHINGTON 98402  
(253) 620-6500 - FAX (253) 620-6566

1 THEREFORE, IT IS FURTHER ORDERED as follows:

2 1. The Court will allow the Personal Representative to serve with  
3 nonintervention powers and without bond, using liquid assets of the estate to pay for  
4 estate expenses, but directs Mr. Pula to report any sale of real property to the Court and  
5 have any such proceeds deposited into a blocked account. The Personal Representative  
6 will then petition the court for permission to remove amounts from the blocked account  
7 as needed for expenses of administration. *In the interim, the Personal Representative has the authority to do the following:*

8 ~~2. Alternatively, the Court will require the Personal Representative to make~~  
9 ~~periodic reports regarding the status of the estate and estate assets. The law requires~~  
10 ~~annual reports; the Court directs Mr. Pula to make such reports every \_\_\_\_\_ months.~~

11 ~~3. Alternatively, the Court exercises its jurisdiction for full intervention powers~~  
12 ~~over the Besola Estate and authorizes Eric Pula to serve as Personal Representative~~  
13 ~~subject to the Court's intervention powers. In connection with these powers, the Court~~  
14 ~~authorizes the Personal Representative to take the following actions:~~ *Now*

- 15 *(w/out prejudice to new/ additional orders of Court)*
- 16 a. To litigate all aspects of lawsuits filed related to the Besola Estate, including  
17 discovery;
  - 18 b. To respond to motions, file motions, answer discovery, etc. in the probate and the  
19 other causes of action;
  - 20 c. To publish notice to creditors in the probate, and to contact creditors for  
21 verification of claims;
  - 22 d. To require Amelia Besola to provide a report on the state of the estate and a  
23 detailed accounting;
  - 24 e. To order title reports on all real properties, evaluate them for sale and sign listing  
25 agreements, make repairs to properties as needed to get them ready for sale, hire  
26 people to help with cleanup of properties, pay for cleaning supplies and repairs as  
needed, pay utilities at properties as needed, list real properties for sale, and take  
all actions necessary to sell and close the sale of the real properties;
  - f. Pursue Estate claims against Amelia Besola for breach of fiduciary duty for  
dismissing the lawsuit filed by Mark Besola against her with prejudice, and and to  
pursue any related claims for Estate mismanagement or waste as may be  
supported by the evidence;

g. To prepare and file necessary tax returns, and engage and compensate the professionals necessary to do the same; and

h. ~~To pay the expenses of administration of the estate as they come due for the period through~~ *Obtain court review before* ~~March 31~~, 2020.

i. Before acceptance of an offer for sale of Estate Real Property the Court will approve the offer.  
j. The personal representative will not make any distribution ~~for sale~~ to heirs without order of the Court.

Dated this 17th day of January, 2020.

  
THE HONORABLE KATHRYN NELSON

Presented By:

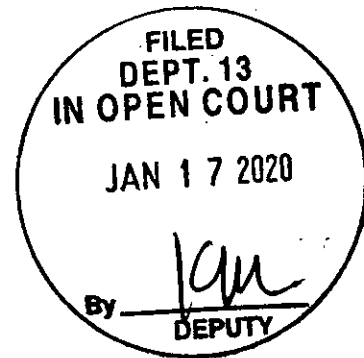
GORDON THOMAS HONEYWELL LLP

By 

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sbloomfield@gth-law.com

Andrea H. McNeely, WSBA No. 36156  
amcneely@gth-law.com

Attorneys for Eric Pula, Personal Representative



1 Approved as to form:

2 SMITH ALLING P.S.

3  
4 By 

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14  
15 By 

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17 LASHER HOLZAPFEL SPERRY & EBBERSON PLLC

18  
19 By 

Quentin Wilsmith, WSBA No. 25644

wildsmith@lasher.com

Attorneys for Julia Besola-Robinson

22 MORTON McGOLDRICK PLLC

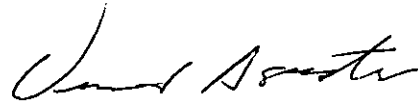
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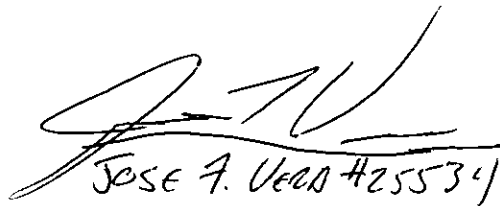
Daniel K. Walk, WSBA No. 52017

dwalk@bvmn.com

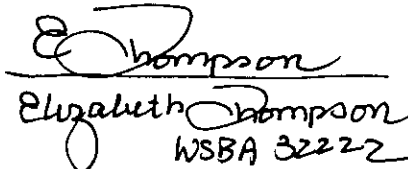
Attorneys for Brandon Gunwall

26  
ORDER GRANTING PR MOTION FOR ALTERNATIVE SECURITY - 4 of 4  
(19-4-00016-6)  
[4847-9350-6736]



  
JOSE F. UEDA #25534

Law Office of Elizabeth Thompson

  
Elizabeth Thompson  
WSBA 32222

Attorneys for Eric  
Bula, individual  
as beneficiary

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4  
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6  
7 SUPERIOR COURT OF THE STATE OF WASHINGTON  
8 FOR PIERCE COUNTY

9 In the matter of the Estate of  
10 MARK LESTER BESOLA,  
11 Deceased.  
12  
13  
14

NO. 19-4-00016-6

DECLARATION OF STEPHANIE  
BLOOMFIELD IN SUPPORT OF  
PERSONAL REPRESENTATIVE'S MOTION  
TO PAY TAXES, ATTORNEYS FEES AND  
EXPENSES

Assigned to: Honorable Bryan Chushcoff

Hearing Date: Dec. 6, 2020 9:00 a.m.

15 Stephanie Bloomfield declares under penalty of perjury under the laws of the state  
16 of Washington as follows:

17 1. I am one of the attorneys representing Personal Representative, Eric Pula,  
18 in this matter. I am over the age of 18 and competent to testify to the facts herein based  
19 on personal knowledge. I am providing this Declaration to summarize for the Court the  
20 background and underlying legal work performed in this case as well as the rates charged  
21 by the various timekeepers. As explained in detail below, the requested rates are  
22 reasonable, the hours expended are reasonable, the costs incurred were appropriate in a  
23 case of this nature and were necessary for proper representation of the Personal  
24 Representative.  
25

26 2. I graduated from the University of Washington School of Law in Seattle in

1 1994, where I was a member of the Order of the Barristers and President of the Moot  
2 Court Honor Board. I have been admitted to practice in Washington since 1994. I am also  
3 admitted to practice in the United States District Court for both the Eastern and Western  
4 Districts of Washington, the District of Colorado, and before the Ninth Circuit. I have  
5 served as a Lawyer-Representative to the Ninth Circuit Judicial Conference (2009-2012),  
6 President of the Tacoma Pierce County Bar Association (2013-2014), Chair of the WSBA  
7 Disciplinary Board (2015-2016), Chair of the WSBA Litigation Section Executive  
8 Committee (2016-2017). I was a Master level member of the Robert J. Bryan Inn of Court  
9 before moving to emeritus status in 2018. I am also an advocate level member of ABOTA,  
10 (the American Board of Trial Advocates) where I qualified for membership in ABOTA based  
11 on jury trial experience points. I have been recognized for many years as a "SuperLawyer"  
12 (recognition issued by Washington Law and Politics Magazine based upon peer reviews  
13 and votes) and have been designated by SuperLawyer Magazine as one of the "Top 50  
14 Women Lawyers in Washington" for the past five years.

15  
16  
17 3. My hourly rate for this type of work has been \$500 per hour since 2019,  
18 and I agreed to charge that rate in this engagement agreement. See Exhibit 3. However, I  
19 initially anticipated more of the work being done by Ms. McNeely and others, but this case  
20 was far more contentiously litigated than anticipated. As a result, I have lowered my rate  
21 to \$450 per hour (a reduction of 10%).

22  
23 4. I am a Partner with Gordon Thomas Honeywell LLP ("GTH") in its Tacoma,  
24 Washington office. I joined the firm in 1994 and I became a partner in 1999. I serve as  
25 Vice-Chair of the Board of Directors, General Counsel to the firm, and chair the Practice  
26 Committee, which addresses issues of ethics, professional responsibility, conflicts and

1 related matters. Since joining GTH in September 1994 I have focused my practice entirely  
2 on civil litigation and about half of my practice involves employment litigation and the  
3 other half is comprised of TEDRA disputes, as well as a variety of business and tort  
4 litigation. I also advise clients (including lawyers and law firms) on ethics and  
5 professional responsibility issues. I primarily work out of our Tacoma office and handle  
6 matters in King and Pierce County Superior Courts and throughout Western District of  
7 Washington. I have also tried cases in Thurston County, Kitsap County, Grays Harbor  
8 County, Mason County, and Spokane County. Throughout my years in practice I have  
9 litigated cases in numerous other counties throughout the State of Washington including  
10 Chelan County, Clallam County, Clark County, Cowlitz County, Douglas County, Island  
11 County, Jefferson County, Kittitas County, Lewis County, Pacific County, Skamania County,  
12 Snohomish County, Skagit County, Whatcom County and Yakima County. I have also been  
13 admitted *pro hac vice* to represent clients in Oregon and Alaska courts. I also have  
14 substantial experience in Washington's Appellate courts as well as the Ninth Circuit.  
15  
16

17 5. I also have developed significant civil jury trial experience. In addition to  
18 two criminal trials I did as a Rule 9 with the public defender's office in Seattle during a  
19 law school externship, I have tried more than 25 civil cases to juries in Federal and State  
20 courts in Washington. Because of my experience in litigating a variety of disputes  
21 including TEDRA actions, that involve discovery issues, motion practice, trials, seeking  
22 and resisting injunctive relief, mediations and arbitrations, I am intimately familiar with  
23 the civil litigation process, which often involves significant discovery and pre-trial motion  
24 practice. I am aware of the risks of these types of cases and the significant investment of  
25 time and resources required to pursue a case to trial or settlement on a contingent fee  
26

1 basis due to the amount of work, the risks involved. Taking on a case like this one, where  
2 we have had to defer payment for some time, has substantially impacted my ability to  
3 perform work for clients who pay hourly or to take on additional work whether it is hourly  
4 or contingent. Cases like this one where the opposing party is well-funded and can litigate  
5 the case – driving others to either capitulate or prevent them from accessing funds to pay  
6 for the litigation, often denies less well financially positioned adversaries the ability to  
7 access funds to pay lawyers. Based on the written communications in this case, that is  
8 exactly what Amelia Besola tried to do, telling this Court she was spending over \$40,000  
9 per month on lawyers.  
10

11 6. In the past 18 months I tried three jury trials, two in federal court  
12 representing Plaintiffs, one in Pierce County Superior Court representing a Defendant. In  
13 the two federal cases I filed fee petitions. Both the Honorable Robert J. Bryan (in April  
14 2019) and the Honorable John C. Coughenour (in December 2019) approved my hourly  
15 rate at \$500 per hour. I am also familiar with rates charged by lawyers at other law firms  
16 in the Seattle-Tacoma area in similar types of disputes. For example, in 2018 the hourly  
17 rates being billed by DLA Piper in an Estate dispute I was involved in (involving issues of  
18 undue influence and related corporate disputes) were as follows:  
19

Timekeeper	Years Practicing	Rate
Partner (Litigation)	Admitted 1979	945.00
Associate1 (Litigation)	Admitted 2009	770.00
Associate2 (Business)	Admitted 2017	455.00
Paralegal	20 yrs Experience	355.00

20  
21  
22  
23  
24 Clearly the fees being charged by the Estate in this matter are well within the reasonable  
25 range in the Seattle-Tacoma area.

26 7. When I took on this case in November 2019, I agreed to perform the work



1 for \$500 per hour, which is a reasonable fee for a lawyer of my level of experience  
2 practicing in this area and is comparable to rates I charge other hourly clients for similar  
3 disputes. However, I have voluntarily reduced this rate to \$450 per hour, due to the  
4 extreme amount of time I have had to spend in this case dealing with discovery and lower  
5 level matters. While I anticipated shifting more of this to Ms. McNeely at a lower rate, the  
6 demands of this case (and of other clients) have necessitated that I do much of the work.  
7

8 8. In this case, we were brought in soon after Mr. Pula had been appointed  
9 Personal Representative (the "PR") to replace Elizabeth Thompson, a solo practitioner  
10 who initially represented the PR. This case has been litigated by the Petitioner, Amelia  
11 Besola, hand in hand with her sister, Julia Besola-Robinson, in a no-holds-barred  
12 scorched earth approach that exceeds even larger (in terms of dollars at stake) cases I  
13 have worked on. The level of discovery gamesmanship and abuse by the Besola-Sisters  
14 and their compatriots (Kirk Kelley and Kevin Curry primarily) has far outpaced what I have  
15 seen in other hotly litigated matters. In other words, the costs and expense associated  
16 with this litigation have been extraordinary.  
17

18 9. This estate is believed to have a value around \$5 million. However, it had  
19 essentially no liquid funds to pay for legal expenses and the firm, and the lawyers working  
20 on this case have spent substantial time, impacting their ability to serve other clients or  
21 take on other matters for the past year without compensation until the estate has  
22 recently sold real estate and is finally obtaining liquidity to pay some of the expenses that  
23 have accrued. Of course, had the Besola sisters not fraudulently transferred away a  
24 \$1 million asset (the Phoenix Laboratories Stock) it would have had the liquidity it needed  
25 all along. We are still trying to get that asset back into the Estate's account.  
26

1           10. Amelia Besola has been represented by no fewer than ten lawyers in this  
2 matter: Richard Perednia, Jose Vera, Desmond Kolke, Stuart Morgan, Grady Heins, Tyler  
3 Shillito, and various Smith Alling associates to include Morgan Madison, Matt Niemela  
4 and Andrea Brewer. She has also had Michael Daudt of representing her interests in the  
5 interpleader action relating to the NY Life Insurance proceeds. In addition, Julia Besola-  
6 Robinson is represented by Quentin Wildsmith of the Lasher firm who files additional  
7 briefs arguing for the same positions Amelia advocates. She too has been involved in the  
8 discovery abuse, and the fraudulent conveyance of a \$1 million asset of the Estate, and  
9 Amelia concealed that fraud until May 27, 2020.  
10

11           11. While I have been the lead attorney on this matter at Gordon Thomas, the  
12 sheer volume of work and amount of discovery and litigation, has required the assistance  
13 of my partner, Andrea McNeely and various associates and paralegals at times. I am  
14 familiar with hourly rates charged and approved by the courts in similar cases in the  
15 Seattle-Tacoma area and the rates charged by these timekeepers are all reasonable and  
16 normally charged to other GTH clients.  
17

18           12. I am generally familiar with paralegal services and rates. Using paralegals  
19 rather than lawyers shifts some of the more routine work to a timekeeper performing at a  
20 lower rate, leaving more complex tasks to attorneys. This allows a case to proceed more  
21 efficiently than if lawyers, at substantially higher rates, did all of the legal work necessary  
22 to prepare a case for trial. Work was assigned to various team members in a way to  
23 efficiently staff the case and deal with the onslaught of discovery issues and motion  
24 practice – as well as the continued efforts to track down assets, property, mortgages, tax  
25 issues and the like.  
26

1           13. I have reviewed the billings and work performed by all timekeepers in this  
2 matter. In the course of that review I removed any duplicative or non-billable work that I  
3 would not reasonably bill to an hourly client. Many of these same lawyers and staff  
4 worked on the last three cases I tried and their rates were also approved by two  
5 experienced federal judges. As a courtesy to the client, I reduced my rate and the rates of  
6 several others as noted below.  
7

8 ***Qualifications and Rates of Timekeepers Who Worked on This Matter***

9           14. Andrea McNeely is a partner at Gordon Thomas Honeywell LLP, and has  
10 been admitted to practice law in Washington since 2005. Her practice is focused on  
11 business and employment litigation, TEDRA litigation, as well as serving as Executive  
12 Director for the Washington Wine and Spirits Association for whom she performs  
13 regulatory and governmental affairs work. Ms. McNeely has significant experience in  
14 TEDRA litigation as well as other civil litigation and trial work in general. An hourly rate of  
15 \$425 is reasonable and appropriate for Ms. McNeely and is consistent with rates charged  
16 to our hourly clients and was previously approved by Judge Bryan in 2019.  
17

18           15. Lisa Kremer is a partner at Gordon Thomas Honeywell LLP, where she  
19 chairs the firm's Trusts & Estates Group. Her practice is focused on estate planning,  
20 probates and probate disputes among other related matters. She is a member of the  
21 Executive Committee of the Washington State Bar Association's Elder Law Section, as  
22 well as the National and Washington Academies of Elder Law Attorneys, and the Tacoma  
23 Estate Planning Council. She recently served as a Trustee of the Tacoma-Pierce County  
24 Bar Association 2018-20, was chair of the TPCBA's Community Service Recognition  
25 Committee for five years, and in 2018 won the TPCBA's "Distinguished Service Award."  
26

1 Ms. Kremer attended the University of Washington School of Law, graduating in 2008.  
2 Before law school she was an award-winning reporter at the News Tribune (Tacoma), and  
3 obtained her MA in public policy journalism from the University of Missouri School of  
4 Journalism and a BA in English from Mills College. Her hourly rate of \$350 is reasonable.

5 16. Travis Mahugh is a partner at Gordon Thomas Honeywell LLP, where his  
6 practice is focused on corporate and business matters. His expertise was required due to  
7 the fraudulent stock transfer and he has spent time advising on related issues. His  
8 hourly rate of \$375 is reasonable.

9 17. Eileen Peterson joined the firm in 1987 and became a partner in 1991.  
10 Her practice focuses on estate planning, elder law, guardianships among other related  
11 matters. She was consulted on issues relating to her particular expertise and her hourly  
12 rate of \$375 is reasonable.

13 18. Joe Gordon is a former partner at Gordon Thomas Honeywell LLP who is  
14 now of counsel. His practice focuses on real estate litigation. He has served as a Trustee  
15 of the Tacoma-Pierce County Bar Association and in 2018 won the TPCBA's "Outstanding  
16 Pro Bono Service by an Individual Attorney Award." Mr. Gordon attended Stanford Law  
17 School, graduating in 1964, after obtaining a BA in History from Stanford University. He  
18 clerked for the Washington State Supreme Court and served as a Washington State  
19 Assistant Attorney General after his graduation from law school. An hourly rate of \$375 is  
20 reasonable and appropriate for Mr. Gordon.

21 19. John M. Cummings was a Senior Associate joined the firm in 2019 and is  
22 new to civil practice but has substantial trial experience from the decade he worked at  
23 the Pierce County Prosecuting Attorneys' Office. Mr. Cummings graduated magna cum  
24  
25  
26

1 laude from Seattle University School of Law in 2008. He also has served as Judge Pro  
2 Tempore in Thurston County District Court from 2016-2019. His trial expertise was  
3 utilized to provide key feedback on closing argument and to assist with a few slides used  
4 to present closing. An hourly rate of \$300 is reasonable and appropriate for Mr.  
5 Cummings.

6  
7 20. Tracie Zumach is a senior paralegal specializing in litigation and trial work  
8 with over 17 years of experience. Ms. Zumach graduated from Highline College in 2012  
9 with a degree in Paralegal Studies. Ms. Zumach began working as a paralegal for Bank of  
10 America, N.A. in 2009. Prior to this, Ms. Zumach was a legal assistant for seven  
11 years. Ms. Zumach has been employed as a paralegal with GTH since 2016. Ms.  
12 Zumach's hourly rate of \$175 is reasonable given her level of experience and expertise.

13  
14 21. Sincere Hankins is a paralegal who also worked on this matter.  
15 Ms. Hankins graduated from Tacoma Community College in 2001 with an Associate  
16 Degree for Legal Assistant. Ms. Hankins worked as a law clerk for 16 years; in 2006 she  
17 also started working as a paralegal part-time, and she was promoted to full-time  
18 paralegal in 2017. Since 2006 she has handled many discovery productions.  
19 Ms. Hankins' current hourly rate of \$175 is reasonable given her level of experience.

20  
21 22. Denise Lowry is a senior paralegal specializing in probate administration  
22 and real estate transactions, with over 35 years of experience. Ms. Lowry went through  
23 the Paralegal Studies program at Ft. Steilacoom Community College (now Pierce College)  
24 in 1988. Ms. Lowry began her employment at Gordon Thomas Honeywell in 1984 as a  
25 legal assistant. She then served as Legal Assistant/Paralegal to the Fairbanks North Star  
26 Borough Attorney in Fairbanks Alaska for five years before returning to GTH in 1998. Ms.

1 Lowry has been employed as a paralegal with GTH since 1998. Ms. Lowry's hourly rate of  
2 \$200 is reasonable given her level of experience and expertise, but I charged Ms. Lowry's  
3 time at a reduced rate of \$175 in this matter.

4 23. Shelly Potter is a trusts & estates paralegal with over 17 years of  
5 experience working in the probate field. Ms. Potter obtained her paralegal certificate in  
6 2014 from the University of Washington - Tacoma and an Associates Degree - Legal  
7 Assistant from Olympic Community College in 1994. Ms. Potter began working as a  
8 paralegal for Gordon Thomas Honeywell in 2016. Prior to this, Ms. Potter was a legal  
9 assistant with Gordon Thomas Honeywell for thirteen years. Ms. Potter's hourly rate of  
10 \$150 is reasonable given her level of experience and expertise.  
11

12 24. Shannon Vicic has been employed at GTH as a law librarian and researcher  
13 since June 2008. She received her BA in English, from Illinois State University in 1992.  
14 She also obtained a Master of Arts in English from Illinois State University in 1998, then a  
15 Master of Science, Library and Information Science, from the University of Illinois at  
16 Urbana-Champaign in 2001. Before joining GTH, Ms. Vicic was employed as a reference  
17 librarian at Holland & Hart LLP, then the largest law firm in the Rocky Mountain region, for  
18 nearly seven years. In that position she conducted business, securities, and legal  
19 research for more than 350 attorneys and paralegals throughout the firm's 12 regional  
20 offices. In addition, she conducted research for the firm's marketing and recruiting  
21 departments. Before working at Holland & Hart, Ms. Vicic also served as a researcher and  
22 writer at Standard & Poor's Compustat, where she compiled business data and wrote  
23 quarterly status reports on various industries for auditors at a major accounting firm. An  
24 hourly rate of \$175 is appropriate for Ms. Vicic.  
25  
26

1           25.     Leslee Hooper is a legal assistant, with 40 years of experience in litigation.  
2     Ms. Hooper is experienced in drafting legal pleadings for attorney review and similar  
3     litigation tasks, and often performs work as a paralegal that is appropriately billed to  
4     clients. Ms. Hooper's hourly rate of \$150 is reasonable given her level of experience and  
5     expertise, but I have reduced it to \$125.

6           26.     Christine Scheall is a legal assistant, with over 35 years of experience in  
7     litigation. Ms. Scheall worked for 20 years as a legal assistant with the law firm of  
8     Eisenhower & Carlson; 10 years as a legal assistant with the law firm of McGavick  
9     Graves, P.S., and eight years as a legal assistant with Gordon Thomas Honeywell LLP.  
10    Ms. Scheall has worked on many complex litigation cases in her career, including class  
11    action litigation. She is experienced at drafting pleadings for attorney review, assisting  
12    with discovery and production and other important litigation tasks. Ms. Scheall's hourly  
13    rate of \$150 is reasonable given her level of experience and expertise, but I have  
14    reduced it in this case to \$125.

15  
16  
17    ***How this Matter Was Litigated***

18           27.     On November 25, 2019 the PR hired us and we began seeking information  
19    and a full accounting from the removed administrator, Amelia Besola. She fought tooth  
20    and nail to prevent the appointment of this PR and much of the first , which it truly did not  
21    obtain in any reasonable format until May 27, 2020 (and first revealed she had  
22    transferred substantial Estate assets to her sister). We began responding to discovery  
23    propounded by Petitioner on November 27, 2020, and trying to identify estate assets and  
24    property. The responses were provided on January 22, 2020. During this same time  
25    frame Mr. Walk, counsel for Mr. Gunwall, provided the PR with a computer and external  
26

1 hard drive that Mark Besola had given to Brandon Gunwall at some point in the past. We  
2 retained a digital forensic expert to try and recover data from those devices, reviewed the  
3 recovered data (which was extensive) and designated all responsive materials for  
4 production in January 2020 as well.

5 28. In addition, the Estate was attempting to establish Bank Accounts,  
6 ascertain where the Estate Funds had gone (we later discovered Amelia had emptied the  
7 account the day she was removed as administrator). We began property searches, trying  
8 to identify which real properties were owned by the Estate outright, which were owned  
9 jointly with others, and which were part of the Besola Real Estate partnership that owned  
10 multiple rental homes in Eastern Washington.

12 29. It is difficult to summarize the litigation in the two consolidated TEDRA  
13 matters as well as the probate. The following timeline from the combined dockets hits  
14 the "highlights":  
15

Date	Action
12/11/19 - Probate	Amelia Petition to Remove PR (with numerous supporting declarations)
12/11/19 - Probate	Julia Objection to Letters Testamentary (with numerous supporting declarations)
12/17/19 - Probate	PR Response to Petitions
12/20/19 - Probate	Both Motions to Remove PR <b><u>DENIED</u></b>
1/8/20 - Probate	PR Motion for Alternate Security (Opposed by Amelia and Julia)
1/9/20	Amelia Notice of Trial Setting
1/17/20 - Probate	PR Motion for Alternate Security <b><u>GRANTED and Letters Testamentary Issued</u></b>
1/24/20 Probate	Notices to Creditors Issued (and Published)
2/26/20 - Probate	PR Motion to Approve Cost and for Accounting from Removed PR
2/26/20	Order Setting Case Schedule
3/3/20 - Probate	Julia Objects



Date	Action
3/3/20 - Probate	Amelia Objects
3/3/20 - Probate	Order granting Change of Judge
3/9/20	Amelia "Motion for Default"
3/11/20 - Probate	PR files Affidavit of Publication
3/30/20	Answer and Counterclaims Filed
4/1/20	Motion to Consolidate TEDRA Actions
4/1/20 - Probate	Late filings by Amelia
4/1/20 - Probate	PR Motion to Strike Late and Repeated filings by Amelia
4/8/20 - Probate	Court <b>GRANTS</b> PR motion for Accounting from Amelia and approval of Estate expenses
4/10/20	Order Granting Consolidation of both TEDRA Actions
4/15/20 - Probate	Amelia Answers PR's Counterclaims
4/15/20 - Probate	Julia Answers PR's Counterclaims
4/20/20	Amelia Answers PR's Counterclaims (filed in Probate Action)
4/23/20	Jose Vera Appears on behalf of Amelia and Files ER 904 Notice previously served on PR 4/11/20 with 111 Exhibits listed and hundreds of pages of documents.
4/24/20	PR Objects to ER 904 Notice
6/17/20 - Probate	PR Motion to Approve Sale of Bonney Lake Property
6/23/20	PR Moves to serve Curry by Mail
6/23/20	Amelia Motion for Protective Order re Kevin Curry Communications
6/26/20 - Probate	Court Denies Motion, Orders Property Listed
7/2/20	Court GRANTS PR motion to serve by mail and DENIES Amelia motion for Prot Order
7/8/20	PR Motion to Amend Counterclaims
7/8/20	PR Motion for Contempt re Kirk Kelley
7/15/20	PR Motion to Compel re Amelia withholding information from Discovery
7/22/20	Motion to Invalidate Lease
7/24/20	Court GRANTS PR motion to Amend, ORDERS Kelley to produce documents requested by PR, and GRANTS Motion to Compel
7/29/20 - Probate	PR Motion to Approve Sale of Hoquiam Property
7/31/20	Amelia Opposes PR Motion to Invalidate Lease
7/31/20	Court GRANTS PR motion to Invalidate Lease

Date	Action
8/7/20 - Probate	Court GRANTS motion re sale of Hoquiam Property.
8/12/20	Amelia Motion to Bifurcate
8/18/20	PR Opposition to Bifurcation
8/21/20	Court DENIES motion to bifurcate.
9/15/20	PR Motion to Recover Stock
9/23/20	Julia and Amelia Oppose
9/25/20	Court GRANTS PR's motion re Stock
10/9/20	MSJ's filed by Estate, Gunwall and Amelia
10/21/20 - Probate	Motion to Approve Sale of Properties (Bonney Lake and Lake Tapps)
10/27/20 - Probate	Amelia Objects
10/30/20 - Probate	Court <u>Grants</u> PR Motion to Approve Sale of Properties
	SJ Opposition Amelia, Julia to Gunwall and PR MSJ
	PR Opposition to Amelia MSJ
	SJ Replies PR, Amelia, Gunwall
	Amelia CR 56(f) Motion to Continue SJ
11/6/20	Hearing - Gunwall SJ Motion Granted; Others Continued
11/13/20	Argument on Motion re Order on Transfer of Phoenix Stock; Court GRANTS relief requested by PR
11//20	Argument on Motion to Release Bullet and Phone
12/4/20	Motion to Approve Sale of Raymond Property

### ***Discovery History***

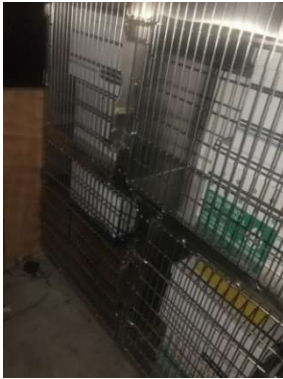
30. Because Mr. Pula individually issued discovery to Amelia Besola on January 9, 2020, we waited for those initial responses before propounding additional discovery in an effort to be more efficient. Amelia "answered" on February 20, but did not provide documents. The responsive documents were provided on March 20, 2020 and involved a SD card with 5 gigs of photos (per Mr. Vera) and he sent it by mail. He also attached an index for 166 boxes along with a half dozen photos of boxes that he asserted to be responsive documents. The SIM Card was not provided to the Estate at that time. As was explained on the "index", 95 boxes were "Vet Clinic Pet Files". Another 30 plus boxes were described as Vet Clinic Receipts, cancelled checks or records such as "day

1 sheets” and payroll records that were completely unrelated to any issues in the Will  
2 Contest.

3 31. On March 13, 2020, Ms. McNeely attended the first deposition noted by  
4 Petitioner – will witness James Garrett.

5 32. Due to the COVID shutdown hitting the following week, it took us some time  
6 to obtain the SIM Card comprising Amelia’s production. Simultaneously, Amelia refused to  
7 produce paper copies of the hundreds of boxes she claimed were responsive, forcing  
8 attorneys for the Estate to go to the basement of her Vet clinic to review the documents.  
9 In addition to the boxes listed on the “index” sheet (with no real information provided)  
10 there were additional unidentified boxes produced.  
11

12 33. It was there, on May 12, 2020, that we discovered that the hundreds of  
13 boxes produced were irrelevant, and merely a “document dump” to waste resources.  
14



1 It is estimated that over 425,000 pages of documents were “dumped” in this  
2 “production. Some 75% of the boxes were completely irrelevant pet records, cancelled  
3 checks and employee records/receipts of Amelia’s Vet clinic.

4 34. With the remaining documents, we ultimately asked to have them  
5 produced in a safe environment so they could be reviewed approximately 20,000 pages  
6 were identified for review and were scanned and numbered AB00001-20486. These  
7 were the only documents numbered by Petitioner in her production and there have been  
8 at least an additional 75,000 pages produced in addition to these items. The Estate has  
9 been forced to use a cloud based document review and management system to even  
10 begin to be able to find relevant information with this style of production.  
11

12 35. Mr. Walk issued discovery on behalf of Mr. Gunwall in April 2020 and  
13 around this same time Amelia served (and eventually filed) an ER 904 Notice with over  
14 100 exhibits, most of which are not the type of exhibits allowed by ER 904 and largely  
15 irrelevant. Tellingly, many of the exhibits were directly responsive to Pula’s discovery and  
16 had not been produced in the hundreds of boxes or on the SIM card. Of course,  
17 objections had to be drafted within 14 days, distracting from other work on the case.  
18

19 36. The Estate finally obtained the SIM card mailed by Mr. Vera from Ms.  
20 Thompson, who was unable to access the data on it around May 15, 2020 and promptly  
21 reviewed the information Amelia provided in response to discovery.  
22

23 37. The Estate issued follow-on discovery to Amelia Besola in June 2020 and to  
24 Julia in July 2020, planning to depose the Besola sisters after it obtained responsive  
25 information (like texts and emails) that still had not been provided after months of  
26 litigation. This all came to a head in July 2020 when Amelia’s wingmen, Kirk Kelley and

1 Kevin Curry, refused to cooperate with reasonable process. The Estate was forced to  
2 bring motions to serve Curry by mail, and motions for contempt against Kelley, all of  
3 which were ultimately granted.

4 38. Julia produced hundreds of pages of documents, including some  
5 responsive text messages, the morning of her August 18, 2020, deposition in response to  
6 discovery propounded by the PR. Inexplicably Julia and her attorney withheld 160 pages  
7 of texts between herself and Mark Besola which were not produced until October 9, 2020  
8 – nearly two months after Julia's deposition. Similarly, Amelia Besola also finally  
9 produced almost thousands of documents responsive to the discovery requests  
10 propounded in January 2020 months after these key depositions had occurred.

12 39. These and many other key documents were only obtained after the Estate  
13 pressed through motion practice to obtain them, after receiving false information in  
14 verified discovery responses from Amelia and Julia and with key evidence adverse to the  
15 Besola Sisters claims only being provided after these efforts.

17 40. Between May and November 2020, a total of 10 witness depositions were  
18 conducted (with Amelia's taking three sessions and Julia being scheduled for a second  
19 session in early December, along with Petitioner's handwriting expert on November 23).

20 41. Based on witness disclosures by the Besola sisters identifying experts, but  
21 providing no opinions, or other information. The Estate has had to retain and contact  
22 potential rebuttal experts.

24 42. Multiple motions have been required, because the Petitioner refuses to  
25 cooperate on even routine matters. Motions for summary judgment were noticed in Mid-  
26 September 2020, for hearing in early November 2020. However, although she filed her

own motion and did not seek any discovery while the motions were pending (other than seeking a deposition of the other witness to the Will), on the date of her reply Amelia sought CR 56(f) extensions to do what she had failed to do for months. Turn up any evidence to support her speculation, conclusions and baseless accusations.

The contemporaneous time records for the fees incurred in this matter through November 18, 2020 are attached hereto as **Exhibit 1**. The detailed records are summarized below to provide the court with the hours worked by each timekeeper, the hourly rate and the total fees associated with each person's work:

INITIAL	Name	Hours	Rate	Total
SMA	Andrew	23.6	350.00	\$8,260.00
SLB	Bloomfield	567.3	450.00	\$255,285.00
JMC	Cummings	69.1	300.00	\$20,730.00
JGJ	Gordon Jr	0.7	375.00	262.50
LAK	Kremer	108.9	350.00	\$38,115.00
TAM	Mahugh	3.4	400.00	\$1,360.00
AHM	McNeely	342.7	425.00	\$145,647.50
ESP	Peterson	0.6	375.00	225.00
SDH	Hankins	232.6	175.00	\$40,705.00
LEH	Hoober	0.7	125.00	\$87.50
DYPL	Lowry	4.5	175.00	\$787.50
SMP	Potter	15.7	150.00	\$2,355.00
CLS	Scheall	59.4	125.00	\$7,425.00
SMV	Vicic	13.9	175.00	\$2,432.50
TLZ	Zumach	70.1	175.00	\$12,267.50
Grand Totals		1513.2		\$535,945.00

43. Substantial Costs also were incurred. These were necessary to deal with the litigation and related matters. These include the use of Westlaw, an online service that is used to complete legal research, other databases to search electronically stored court filings, dockets, and business records were also incurred. These services save a



1 significant amount of attorney time and reduce the overall cost of the research. In  
2 addition, costs were incurred for experts, discovery, ediscovery, hosting electronic  
3 discovery and other fees and related costs were incurred. These are detailed in the  
4 attached Exhibit 2 and total \$30,238.66 through November 19, 2020. Attached as  
5 Exhibit 3 is a true and correct copy of our engagement agreement, signed by the PR, Eric  
6 Pula in November 2019.

7  
8 44. The PR has retained Gwynne Glavicic a CPA with Frost & Co PLLC with over  
9 30 years of experience. Ms. Glavicic specializes in Estate and Trust tax work and is in the  
10 process of completing the Estate Tax Return and once her calculations are complete (the  
11 Phoenix Stock Issue completely upended the return and related issues) the PR will want  
12 to pay the Washington State Estate Taxes that will be owed and seeks approval of the  
13 Court to do so without coming back to the Court. We expect to have the return finalized  
14 in the next several weeks.

15  
16 45. Attached to my 8/19/20 Declaration in Opposition Amelia's Motion to  
17 Bifurcate are a variety of documents outlining her litigation strategy, in addition to those  
18 recently provided by Mr. Walk in his motion for Sanctions. To avoid repeated filings I will  
19 quote the various exhibits her from that Declaration.

20 Exhibit B: July 2019 emails involving Amelia Besola and Kevin Curry where Curry suggests  
21 pursuing meritless claims noting that the Will beneficiaries have no money to resist and  
22 doing whatever it took to keep them from receiving the life insurance:

23  
24 *Of course the chance of actually successfully pushing a wrongful death claim in*  
25 *this matter is low, however it may well be enough of a hook upon which the*  
26 *insurance co will refuse to pay out to anyone.*

*I am assuming none of these people have the resources to lawyer up?*

1 **Exhibit C:** September 2019 emails involving Amelia and Julia Besola and Kevin Curry and  
2 several others, where Amelia again voices her strategy of putting the screws to  
3 beneficiaries who cannot afford representation:

4  
5 *Des doesn't think either McGraw or Pula are represented by counsel. Brandon's attorney, Daniel Welk, seemed to be offering advice (from a lay observer's viewpoint) to Eric Pula. Apparently Eric is residing in a motel and doesn't have a cell phone. I was removed as administrator of my brother's estate, effective around 3 pm today but I am committed to seeing this through and have the resources to do so. I am confident that we will prevail.*

6  
7  
8  
9 *Kelly works as a barista at the Starbucks near Cascade towing in Bonney Lake. She generally works early in the morning. I doubt she has gotten an attorney. She was married to money, Chad McGraw, but squandered that settlement and she was paying \$300/month to live at my brother's house. She just doesn't have money to pay an attorney nor does Eric unless someone agrees to do it on contingency.*

10  
11  
12  
13 **Exhibit D:** November 4, 2019 Jose Vera email to Julia's attorney Quentin Wildsmith, after  
14 commenting on the lack of evidence of any fraud or undue influence by Pula or Gunwall  
15 he states his plan to keep opposing counsel tied up so they can't make money:

16  
17 *Remember—Pula and Gunwall may not show for the hearing—and this alone will have its own evidentiary weight. And, in the larger sense, the depositions are about litigation tempo and the opposing counsels' resource burn rate. We need to tie up their time so they can't make money on their other cases.*

18  
19  
20 **Exhibit A:** January 2020 emails between Kevin Curry and Amelia Besola showing this  
21 strategy was well known to Amelia and her crew. Mr. Curry outlines his thoughts on  
22 Mr. Vera's scorched earth litigation strategy, which he calls "total warfare" on January 8:

23 *I think the total warfare approach pushed by Jose will win.*

24 *I know the paper process from Tyler et al is necessary, but these guys on the other side are gutterfighters, and that needs to be recognized and counteracted forcefully.*



1 Amelia Responded:

2 *Julia is just ultraconservative. The huge amount of money we are spending*  
3 *on fees rattles us both.*

4 **Exhibit H:** February 2020 Text messages between Curry and the Besola sisters continue  
5 to show the “total warfare” plan the were jointly pursuing:

6 *Curry: Although your attorneys may have a point about not raising an issue*  
7 *about every peripheral matter because it annoys the court, the*  
8 *opposition should be relentlessly hammered at every last*  
9 *opportunity*

10 *Richard in Spokane thinks it should be Quentin who goes after*  
11 *them for overstepping the partnership and not protecting the*  
12 *estate.*

13 *Julia: Yes. A multiple front attack.*

14 *Amelia: Court trial is scheduled for 2/22/21. Apparently Bloomfield's firm*  
15 *is busy earlier in February with a trial the first week. Stu thoughts*  
16 *were to pile on them when they are stressed and weary*

17 *Curry: I think that works in your favor. We haven't even started to amp up*  
18 *the PR pressure or dig up the yard, and they need to know they*  
19 *cannot run out the clock on depositions and discovery.*

20 **Exhibit F:** Jose Vera’s July 2, 2020 texts with Kirk Kelley. Despite Mr. Vera’s  
21 representations to this court that he had nothing to do with Kirk Kelley’s refusal to comply  
22 with lawful process, these texts tell a different story:

23 *Vera: Read the sections on protection afforded you re the subpoena*

24 *Kelley: Was the other attorney all bent over it?*

25 *Vera: Not that I know – they have to deal with you – push back – you are*  
26 *a non party.*

46. The evidence in the court files is overwhelming as to how this matter has  
been litigated, and this Court is familiar with the litigation strategy pursued by the Besola  
sisters, who later complained to the court that they were each spending \$40,000 per  
month in legal fees. In providing clients fee estimates, I always tell them that the cost of  
litigation are largely dictated by how the opposing party chooses to litigate. In 26 years of

1 practice, I have only seen this type of litigation strategy pursued in a handful of cases.  
2 Amelia and Julia have the money to fight - with Amelia testifying that she didn't care if  
3 she got anything her goal was to ensure that the beneficiaries received nothing. Amelia  
4 did everything they could to ensure that the PR and beneficiaries would have no funding  
5 and be forced to capitulate. The PR's counsel should be paid, and these fees will  
6 eventually be sought from Amelia and Julia at the conclusion of this litigation.  
7

8 Dated this 23rd day of November, 2020 at Tacoma, Pierce County, Washington.

9  
10   
11 Stephanie Bloomfield  
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CERTIFICATE OF SERVICE

The undersigned declares that a true and correct copy of the foregoing pleading, to which this Certificate is attached, was served on all counsel of record as follows:

C. Tyler Shillito, WSBA No. 36774 Andrea Brewer, WSBA No. 52724 Smith Alling PS 1501 Dock Street Tacoma WA 98402 Telephone: 253-627-1091 Facsimile: 253-627-0123 Email: <a href="mailto:tyler@smithalling.com">tyler@smithalling.com</a> ; <a href="mailto:andrea@smithalling.com">andrea@smithalling.com</a> cc: <a href="mailto:LisaL@smithalling.com">LisaL@smithalling.com</a> Attorneys for Amelia Besola	<input type="checkbox"/> Via Messenger <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via E-filing Notification/LINX <input checked="" type="checkbox"/> Email
Jose F. Vera, WSBA No. 25534 100 West Harrison, South Tower, Suite 300 Seattle WA 98109 Email: <a href="mailto:josevera@veraassociates.com">josevera@veraassociates.com</a> Attorney for Amelia Besola	<input type="checkbox"/> Via Messenger <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via E-filing Notification/LINX <input checked="" type="checkbox"/> Email
Stuart Morgan, WSBA No. 26368 Grady Heins, WSBA No. 54262 Ledger Square Law PS 710 Market St. Tacoma, WA 98402 Email: <a href="mailto:stu@ledgersquarelaw.com">stu@ledgersquarelaw.com</a> ; <a href="mailto:grady@ledgersquarelaw.com">grady@ledgersquarelaw.com</a> cc: <a href="mailto:amy@ledgersquarelaw.com">amy@ledgersquarelaw.com</a> Attorneys for Amelia Besola	<input type="checkbox"/> Via Messenger <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via E-filing Notification/LINX <input checked="" type="checkbox"/> Email
Desmond Kolke, WSBA No. 23563 Law Offices of Desmond D. Kolke 1201 Pacific Avenue Suite 600 Tacoma WA 98402 Facsimile: 253-275-6079 Email: <a href="mailto:ddklawoffice@gmail.com">ddklawoffice@gmail.com</a> Attorney for Amelia Besola	<input type="checkbox"/> Via Messenger <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via E-filing Notification/LINX <input checked="" type="checkbox"/> Email

<p> 1  2  3  4  5  6 </p> <p> Quentin Wildsmith, WSBA No. 25644  Lasher Holzapfel Sperry &amp; Ebberson PLLC  2600 Two Union Square  601 Union Street  Seattle WA 98101-4000  206-624-1230  Facsimile 206-340-2563  Email: <a href="mailto:wildsmith@lasher.com">wildsmith@lasher.com</a>  cc: <a href="mailto:williams@lasher.com">williams@lasher.com</a>  Attorneys for Julia Besola-Robinson </p>	<p> <input type="checkbox"/> Via Messenger  <input type="checkbox"/> Via U.S. Mail  <input type="checkbox"/> Via E-filing Notification/LINX  <input checked="" type="checkbox"/> Email </p>
<p> 7  8  9  10  11 </p> <p> Daniel K. Walk, WSBA No. 52017  Morton McGoldrick PLLC  820 A Street, Suite 600  Tacoma WA 98402  Telephone: 253-627-8131  Facsimile: 253-272-4338  Email: <a href="mailto:dkwalk@bvm.com">dkwalk@bvm.com</a>  cc: <a href="mailto:sktoma@bvm.com">sktoma@bvm.com</a>  Attorneys for Brandon Gunwall </p>	<p> <input type="checkbox"/> Via Messenger  <input type="checkbox"/> Via U.S. Mail  <input type="checkbox"/> Via E-filing Notification/LINX  <input checked="" type="checkbox"/> Email </p>
<p> 12  13  14  15  16 </p> <p> Elizabeth Thompson, WSBA No. 32222  PO Box 1652  Milton WA 98354  Telephone: 253-329-1656  Facsimile: 253-793-1776  Email: <a href="mailto:ethompson@elizabeththompsonlaw.com">ethompson@elizabeththompsonlaw.com</a>  Attorney for Eric Pula, in his individual capacity at beneficiary </p>	<p> <input type="checkbox"/> Via Messenger  <input type="checkbox"/> Via U.S. Mail  <input checked="" type="checkbox"/> Via E-filing Notification/LINX  <input checked="" type="checkbox"/> Email </p>
<p> 17  18  19  20 </p> <p> Karen Bertram  KHBB Law PLLC  705 Second Avenue  Seattle WA 98104  Email: <a href="mailto:kbertram@khbblaw.com">kbertram@khbblaw.com</a>  cc: <a href="mailto:scartozian@khbblaw.com">scartozian@khbblaw.com</a>  Attorney for KARE and UC Davis </p>	<p> <input type="checkbox"/> Via Messenger  <input type="checkbox"/> Via U.S. Mail  <input checked="" type="checkbox"/> Via E-filing Notification/LINX  <input checked="" type="checkbox"/> Email </p>

Dated this 23rd day of November, 2020 at Tacoma, Pierce County, Washington.

/s/ Christine L. Scheall

Christine L. Scheall

Paralegal

Gordon Thomas Honeywell LLP

# EXHIBIT 1

# Statement of Account

CLIENT: 038091-000001 Eric Pula PR of the Estate of Mark L. Besola 11/23/2019 -11/18/2020

	Date	ID	Description	Time
1	11/23/2019	AHM	Besola: review of pleadings in various matters involving decedent and brief research into bonding issue.	1.8
2	11/24/2019	AHM	Besola estate – conference call with PR attorney and follow up.	0.3
3	11/24/2019	SLB	Estate of Besola/Pula - review key pleadings and documents; meet with Andrea; call with Elizabeth Thompson.	2.0
4	11/25/2019	AHM	Besola Prepare for and meet with clients.	2.8
5	11/25/2019	SLB	Pula - Estate of Besola. Call with Elizabeth Thompson re representation of PR and meeting this afternoon. Gather background facts and information	0.5
6	11/26/2019	AHM	Besola review case files and correspondence.	3.9
7	11/26/2019	AHM	Besola work on reply on motion to compel.	2.9
8	11/26/2019	LAK	Evaluate facts and issues, review documents in court file, brief research re issues, email info re same to A. McNeely.	0.9
9	11/26/2019	SLB	Address and review additional correspondence from Stu Morgan (0.6); draft letter to Shillito re subpoenas for medical records in Probate action and issues relating to privilege; follow up brief call with Tyler re same (0.8).	2.4
10	11/26/2019	SLB	In response to Morgan letter review and cross reference documents produced against requests and index/annotate records	2.0
11	11/27/2019	AHM	Besola Estate--draft and finalize reply on PR's Motion to Compel.	3.6
12	11/27/2019	AHM	Meet with client and follow up internally re various aspects of PR work to be done.	2.9
13	11/27/2019	LAK	Research case law and statutes regarding removal of designated executor; dead man statute. Draft brief emailed memos re same.	0.9
14	11/27/2019	SLB	Phone call with client and draft supporting Reply declaration.	0.6
15	11/27/2019	SLB	Complete review of documents and summary (1.0); email counsel re same review correspondence and complete letter to Morgan; draft email to counsel and send letter (0.2). Follow up review of Thompson Declaration (0.3).	1.5
16	11/27/2019	ESP	Internal discussions regarding strategy.	0.4
17	11/27/2019	ESP	Additional comments regarding issues needing to be resolved.	0.2
18	12/2/2019	AHM	Prep for and argue motion to compel.	2.8
19	12/2/2019	AHM	Follow up on estate admin issues including letter to Morgan requesting additional items not turned over.	2.0
20	12/2/2019	SMA	Review motion and scheduling information for hearing coverage on 12/3; brief conference with Andrea on same.	0.6
21	12/3/2019	AHM	Review and respond to various aspects of motion practice and administration.	0.5
22	12/3/2019	SMA	Travel to/from and attend hearing on fees and bond for TRO adverse removed PR.	1.6
23	12/3/2019	SMA	Additional review of materials on bonding and subpoenas; email exchange with counsel regarding subpoenas.	0.8
24	12/3/2019	SMA	Follow up with Stephanie and Andrea with summary of hearing and points to consider regarding next steps in superior court and issues in federal impleader action	0.3

	Date	ID	Description	Time
25	12/3/2019	SDH	Review client file. Locate information for discovery production responses. Email communication regarding meeting with client.	3.6
26	12/4/2019	AHM	Review and respond to emails and Internal discussions about research and briefing needed.	0.7
27	12/4/2019	SMA	Phone call with Andrea regarding bond issue; follow up on bond application and prior efforts to bond Eric as PR.	0.8
28	12/5/2019	SDH	Office conference with Eric Pula and Ms. Thompson re discovery responses.	1.7
29	12/8/2019	SMA	Review information on interpleader action and research likely outcome and evaluate necessity of involvement of PR	0.8
30	12/8/2019	SMA	Review pleadings and documentation on appointment of PR and bond issue; review court file and second will; analyze alternative to bond for PR.	1.6
31	12/10/2019	AHM	Work on various issues regarding subpoenas, funeral expenses, and case management.	1.9
32	12/10/2019	LAK	Brief research re privacy of decedent's medical records under case law, HIPAA and state law; brief memo on same.	0.7
33	12/10/2019	SLB	Confer with Andrea re plan for motion/ discovery; phone call with Morgan re subpoenas and scope. Follow up memo re legal issues implicated.	0.7
34	12/11/2019	AHM	Work on bond issue.	0.8
35	12/11/2019	AHM	Reviewing previous pleadings in the three open cases.	1.4
36	12/11/2019	SMA	Review status of bond application and corrections on additional application; conference with A. McNeely on alternative security and status of estate inventory.	0.4
37	12/11/2019	SDH	Draft HITECH letter to CHI Franciscan. Email the same to Stephanie Bloomfield for approval.	0.4
38	12/11/2019	SDH	Draft HITECH letters to MultiCare Health System - Behavioral Health, MultiCare Health System - Medical/Surgical, NW Hospital Medical Center and Providence Centers.	0.8
39	12/11/2019	SMV	Retrieve a federal docket sheet.	0.1
40	12/12/2019	AHM	Conference re strategy and tasks.	0.3
41	12/12/2019	LAK	Review filings to remove Eric as PR; outline notes re same; brief research re same. Brief research re taxability of assets.	2.9
42	12/12/2019	SLB	Review filings on both motions and associated exhibits; outline plan for response. Review documents and other file materials to identify additional information needed; meet briefly with team to assign topics. Follow up with Lisa to address probate administration issues.	3.5
43	12/12/2019	SMA	Review recent filings and upcoming deadlines; conference with S. Bloomfield and L. Kremer on responding to same; follow up on bond application	1.4
44	12/12/2019	SMA	Review and respond to questions about bond application; review and respond to email from personal counsel regarding federal case.	0.4
45	12/12/2019	SDH	Revise and continue to draft HITECH Records Request on behalf of Mark Besola. Telephone conference with Eric Pula re the same.	3.0
46	12/12/2019	SMP	Draft bond application and submit to Propel Insurance for approval.	0.5

	Date	ID	Description	Time
47	12/12/2019	SMV	Retrieve and download federal court documents.	1.0
48	12/13/2019	AHM	Extensive work on research and drafting response briefing and declarations in opposition to multiple motions by Amelia and Julia to revoke PR status.	8.9
49	12/13/2019	LAK	Review insurance contract terms. Review will terms re taxes.	0.7
50	12/13/2019	LAK	Calculate possible estate taxes due; brief research re apportionment.	0.6
51	12/13/2019	LAK	Analysis re options re inventory of estate.	0.3
52	12/13/2019	SLB	Review evidence and outline objections and draft declaration supporting motion to strike (3.0); identify other exhibits to include in record and add to declaration (0.8); Review and analyze estate tax return and other financial documents in effort to assess next steps in administration (0.7); Review bond issues and update on status (0.5). Review draft declaration of Kelly McGraw and follow up re additional documents and information (0.4).	5.4
53	12/13/2019	SMA	Begin review and analysis of motions regarding PR removal.	0.6
54	12/13/2019	SDH	Scan and prepare copies of executed HITECH letters. Mail, fax, and email HITECH letters to Mark Besola's treating physicians.	1.4
55	12/13/2019	SMP	Phone call and follow up email to bonding company. Draft additional bond application for Jurisco Surety Company.	0.9
56	12/14/2019	LAK	Review inventory and assorted documents; review letter re same.	0.5
57	12/14/2019	SMA	Continue review and analysis of pending motions; review legal authority relied on in same.	3.8
58	12/14/2019	SMA	Review overbroad SDTs served by removed PR and analyze response to same.	0.3
59	12/15/2019	AHM	Work on declarations in opposition to Amelia and Julia motions to remove PR.	3.1
60	12/15/2019	SMA	Review materials regarding estate assets.	0.3
61	12/15/2019	SMA	Continue review of legal authority referenced in both moving briefs; draft response regarding removal of Eric Pula as PR of Estate; conference with A. McNeely on evidentiary issues and addressing declarations and open factual questions.	6.1
62	12/16/2019	AHM	Work with client on case history, declarations, and attachments to declaration.	6.3
63	12/16/2019	SDH	Review medical request response from Swedish Medical - Radiology.	0.1
64	12/16/2019	SDH	Telephone call to client.	0.1
65	12/16/2019	SMV	Conduct background research on an individual.	2.0
66	12/17/2019	AHM	Drafting, revising and finalizing all responsive documents to Julia and Amelia's Motions to remove PR.	6.1
67	12/17/2019	AHM	Drafting and filing corrected brief.	0.9
68	12/17/2019	AHM	Review and revise letter re Amelia's subpoenas.	0.3
69	12/17/2019	SLB	Work re opposition declarations and motions (2.5); Review Wildsmith exhibits and summarize in motion (0.5); review filings by Julia and edit declaration to address striking materials in declaration(0.5); review and edit motion; not error after filing and need for errata (0.5).	4.0



	Date	ID	Description	Time
70	12/17/2019	SMA	Continue work on response and assembling information; coordinate with A. McNeely on final legal citations needed.	0.9
71	12/17/2019	SDH	Revise Andrea McNeely and Eric Pula declarations. Prepare and organize exhibits.	1.2
72	12/17/2019	SDH	Office conference with Eric Pula regarding Facebook Messenger conversations. Download facebook messenger conversations.	1.1
73	12/17/2019	SDH	Revise declarations. File the same with court.	0.8
74	12/18/2019	AHM	Follow up on various aspects of hearing preparation on Amelia and Julia's motions to remove PR.	2.1
75	12/18/2019	AHM	Review reply pleadings and discuss argument.	0.7
76	12/18/2019	LAK	Analyze/research argument in response by T. Shillio; draft memo re same.	0.6
77	12/18/2019	LAK	Review motion for restraining order re nonprobate assets, and response; review statutes and draft updated memo re same.	1.5
78	12/18/2019	SLB	Continue to work with client and insurer re bonding issues; follow up re related issues and review statutes/cases applicable to argument. Consider issues for potential address by Sarah Martin and Eric Pula if live testimony allowed.	3.9
79	12/18/2019	SDH	Text Eric Pula regarding bond. Email communication attaching objection letters to Records Subpoenas for Mark Besola.	1.4
80	12/18/2019	SDH	Organize attachments and prepare email communications to all counsel enclosing correspondence objecting to record subpoenas.	0.3
81	12/18/2019	SDH	Text and telephone communications with Eric Pula regarding bond and facebook log in. Text communication and telephone communication with Eric Pula regarding child's mother and her knowledge regarding the case. Email and office conference with Stephanie Bloomfield and Andrea McNeely re the same.	1.0
82	12/18/2019	SDH	Assist with assembling key documents and pleadings and preparing hearing binder for attorneys use in court and in preparation with client.	8.0
83	12/18/2019	SMV	Locate recorded documents and property information.	0.2
84	12/19/2019	AHM	Final prep for potential witness testimony in response to Amelia Besola's ultimately unsuccessful citation calling for hearing on Pula's fitness to serve as PR.	0.1
85	12/19/2019	AHM	Outline potential hearing testimony in response to motion for citation and meet with client.	3.4
86	12/19/2019	SLB	Review docket filings in other matters to assess contrary positions taken by the parties and arguments asserted (2.5). Outline detailed timeline of events and undisputed facts for use with court/argument. (1.0) Follow up re property values in inventory and review in detail charges and other items paid by Amelia as PR (0.8).	4.3
87	12/19/2019	SMA	INTERPLEADER Draft motion for leave to file withdrawal and substitution of counsel; circulate for approval.	0.8
88	12/19/2019	SDH	Telephone conference with Lisa Herrera. Draft Herrera declaration.	1.9
89	12/19/2019	SDH	Discuss bond with Shelly Andrew. Research property value of the Lake Tapps property using Pierce County Assessor and Zillow. Email communication to Stephanie Bloomfield.	0.6

	Date	ID	Description	Time
90	12/19/2019	SDH	Fax Order re Personal Representative and Death Certificate to Swedish. Email Ms. Cunningham attaching the same for Multicare Behavioral medical records for Mark Besola.	0.4
91	12/19/2019	SMP	Phone call to Propel agent re status of bond application.	0.4
92	12/19/2019	SMV	Retrieve and print statutes for attorney preparation and review.	0.2
93	12/20/2019	AHM	Final prep for potential witness testimony in response to Amelia Besola's ultimately unsuccessful citation calling for hearing on Pula's fitness to serve as PR.	4.1
94	12/20/2019	SLB	Prepare for argument; draft order (0.8); travel to court to attend hearing, successfully defeat both motions and enter order; conference with client post hearing and return to office (2.9).	3.7
95	12/23/2019	SDH	Draft responses to Petitioner's First Set of Discovery. Telephone conference with Eric Pula re the same.	4.9
96	12/24/2019	SMA	Phone call with attorney for WPHP regarding subpoenas; follow up with Andrea and Stephanie on same issue.	0.4
97	12/24/2019	SDH	Download and review facebook messages.	2.0
98	1/3/2020	AHM	Brief conference call and follow up email.	0.3
99	1/6/2020	AHM	Work on multiple issues related to needed estate administration, bonding and motion for alternate security.	2.9
100	1/6/2020	LAK	Discussion re options for securing bond; brainstorming and notes re alternate security and/or petition for instructions. Review and comment re E. Thompson motion.	0.7
101	1/6/2020	SMA	Follow up on bond status and recent filing by Eric's personal counsel.	0.4
102	1/6/2020	SMP	Review bond application received from grandparent; phone call to Jurisco. Email documents to Jurisco for review. Follow up email correspondence with Propel Insurance.	0.7
103	1/7/2020	AHM	Work on issues related to motion and estate.	0.9
104	1/7/2020	LAK	Review filed documents and inventory for issues re motion re security; advise A. McNeely re same. Emails re clarifying representation in LINX.	1.5
105	1/7/2020	SLB	Review declaration for Tiffany and follow up re bond issue.	0.2
106	1/7/2020	SDH	Email to Tyler Shillito requesting an extension of time to respond to discovery.	0.2
107	1/7/2020	SDH	Travel to and from Tiffany Pula's home to obtain signature for Declaration.	1.0
108	1/7/2020	SDH	Telephone conference with Tiffany Pula regarding declaration.	0.3
109	1/7/2020	SDH	Review HITECH medical record requests responses from Swedish Medical Center. Request check for payment of Mark Besola medical records from Swedish Medical Center.	0.4
110	1/8/2020	AHM	Drafting motion for alternate security.	4.1
111	1/8/2020	LAK	Revise motion re alternate security; brief research re same.	1.8
112	1/8/2020	SLB	Briefly review Tiffany Pula Declaration and motion for alternate security; edit and provide to Lisa for review of legal analysis.	0.2
113	1/8/2020	SDH	Review emails regarding the bond applications. Draft Shelly Potter declaration.	3.6
114	1/8/2020	SMP	Review and revise Declaration re bonding applications.	0.5

	Date	ID	Description	Time
115	1/9/2020	SDH	Respond to CIOX record management denial to produce Swedish Medical Group records.	0.3
116	1/9/2020	SDH	Review correspondence from Providence Clinics. Prepare response correspondence, copies and mail.	0.6
117	1/10/2020	SDH	Telephone conference with Eric Pula. Email communication with Stephanie re hearing.	0.3
118	1/13/2020	SLB	Continue work re Answer to TEDRA will contest; research criminal and other proceedings referenced and complete denials section of Answer and begin work on legal analysis.	2.8
119	1/13/2020	SLB	Review statute and discuss potential strategy re Will Contest and answer with Lisa.	0.7
120	1/14/2020	AHM	Review opposition to Motion for Alt Security and begin outlining reply.	0.5
121	1/14/2020	SLB	Review and finalize response to fee request.	0.2
122	1/14/2020	SLB	Briefly review responsive filings from Amelia and Julia (0.2); Complete analysis and legal authority section of brief (1.4); draft affirmative defenses and counterclaims (1.8).	3.4
123	1/14/2020	SDH	Mail payment for medical records to Swedish Medical Center.	0.2
124	1/15/2020	AHM	Research, draft, revise and finalize reply on motion for alternate security.	4.7
125	1/15/2020	LAK	Review responses filed; draft memo of points for oral argument, including lists of actions the PR needs to take to maintain the estate, for possible including in an Order.	1.9
126	1/15/2020	SLB	Draft portion of reply brief re motion to strike and reconsideration issues.	0.5
127	1/15/2020	SMA	Conference with A. McNeely on research re bond requirement; quick research and follow up on same; draft language for briefing.	1.1
128	1/15/2020	SDH	Continue drafting discovery responses to Petitioner's first set of discovery to Eric Pula, PR. Office conference with Andrea McNeely re the same.	4.3
129	1/16/2020	SLB	Work re PR Discovery responses.	1.3
130	1/16/2020	SDH	Revise discovery responses. Review client documents for production to Petitioner's 1st Set of Discovery.	3.2
131	1/17/2020	AHM	Finish preparing for, for travel to and successfully argue motion for alternative security to bond.	4.2
132	1/17/2020	LAK	Phone conference with probate clerk re issuance of Letters Testamentary.	0.4
133	1/17/2020	SLB	Follow up with Andrea re court's order and next steps with discovery, answer, letters testamentary and estate management; review documents handed over in court.	0.6

	Date	ID	Description	Time
134	1/17/2020	SLB	Continue review of documents and development of task list for privatization; review court documents filed by Mark in 2017-18; note potential conflict by Kolke; review additional digital issues with social media accounts; meet with computer forensic expert to transfer hard drive and computer for imaging and preservation; continue to develop timeline; email listing broker re status of REPSA; review REPSA contingency period; review Lease and analyze steps for removing tenant; consider potential counterclaims regarding Amelia re lease, mismanagement and other issues with assets.	4
135	1/22/2020	LAK	Review correspondence and documents provided by former Personal Representative; message attorney for former PR; draft notice to creditors and notification of appointment for Eric; draft letter re PR's duties for Eric (1.8). Instructions re getting EIN (.1). Meet with Eric and review aspects of PR's duties, including special circumstances, and explain documents for administration of estate (1.5); travel to courthouse to obtain Letters Testamentary (1).	4.4
136	1/22/2020	SLB	Continue work re Pula discovery responses; review all production to ensure responsive materials provided (1.5); follow up re imaging of Besola computer (0.3); review Amelia document dump to pull information re bank accounts and related assets for meeting with Lisa and Clients (0.6); identify institutions for follow up discovery (0.7); outline additional events and assignments and try and track down status of accounts/payments/disbursements re estate (0.9).	4
137	1/22/2020	SLB	Meet with client and co-counsel to review discovery responses and finalize; review additional probate issues and steps to take. Updated client re status of various matters and information needed to finalize counterclaims.	1
138	1/22/2020	SLB	Review and identify additional information on "related" parties such as Jimi Hansen and Jeff Swenson. Assign list of follow up re records/assets needed to Shannon. Provide contact information to team re notices to creditors.	1
139	1/22/2020	SDH	Revise discovery responses and continue to organize production.	0.7
140	1/22/2020	SDH	Finalize discovery responses and email to all parties.	0.6
141	1/22/2020	SDH	Email communication to Elizabeth Thomson.	0.1
142	1/22/2020	SDH	Office conference with Stephanie Bloomfield.	0.2
143	1/22/2020	SDH	Meeting with client regarding discovery and Estate matters.	2
144	1/22/2020	SMP	Draft IRS forms to change fiduciary designation to Eric. Send notice of appointment to government agencies; file Declaration of Mailing with court.	1.5
145	1/23/2020	LAK	Review affidavit of publication; will and potential beneficiaries and creditors.	0.2
146	1/23/2020	SDH	Revise and bates label discovery production. Deliver a secured link to opposing counsel.	0.6
147	1/23/2020	SMP	Draft Declaration of Mailing for Notice of Appointment; Arrange for publication of Notice to Creditors(Tacoma Daily Index). Conference with Lisa.	2

	Date	ID	Description	Time
148	1/24/2020	SLB	Review hard drive and related information produced by eDiscovery imaging and pull copies of documents potentially responsive and relevant to case.	3
149	1/24/2020	SLB	Continue review of documents, flagging and comparing with inventory and prior production to ascertain information on relevant mortgages and holdings; identify real property missing from estate inventory and note two mortgages (US Bank and Wells Fargo) lacking any information from former PR and continue to try to outline information needed from banks/prior counsel/CPA. Review various documents filed with SSA and attempt to locate passwords for decedent email and accounts to attempt to access.	5
150	1/24/2020	SDH	Review and process medical records request response from Swedish Medical Group.	0.1
151	1/24/2020	SMP	Prepare and send Notice of Probate; file Declaration of Mailing with court. Arrange for publication for Notice to Creditors. File Notice of Appointment and Notice to Creditors with court.	1.2
152	1/24/2020	SMV	Locate aircraft ownership transfer information.	0.3
153	1/27/2020	AHM	Review task list (.2), begin review and revision of answer and counterclaims (.4).	0.6
154	1/27/2020	SMV	Locate Washington cases since 2016 involving three individuals.	1.3
155	1/28/2020	LAK	Exchange emails re estate bank account; other issues.	0.5
156	1/28/2020	SMV	Locate Washington properties owned by three individuals.	2.5
157	1/29/2020	LAK	Review court file and documents re estate accounting; applicable law; draft letter to A. Besola's attorneys regarding accounting requirement.	1.6
158	1/29/2020	SLB	evaluate options (2.8); draft letter to Perednia re tax returns for estate (0.7). Outline potential debts and information re accounts (0.6); review letter re accounting and address additional information needed (0.2); follow up re issues with bank account for PR (0.2).	4.5
159	1/30/2020	SDH	Office meeting with client regarding accounts.	0.7
160	1/31/2020	LAK	Analysis re nonprobate assets and discussion re same.	0.6
161	1/31/2020	SLB	Phone call with Broker re Bonney Lake property and contingency and listing; follow up re situation claimed with Developer/Buyer. Due diligence re buyer and potential negotiations re property.	0.9
162	1/31/2020	SLB	Continue work to track Estate assets; review communicate with Grays Harbor County Property management company (0.8); communicate with Spokane Real Property management company (0.3); research eviction issue and draft letter and rent invoice for occupants of South Bend Property (2.0).	3.1
163	2/3/2020	LAK	Review and analyze documents from Amelia.	0.7
164	2/3/2020	SLB	Follow up with Lisa re Besola Estate and related priority matters; notices to creditors (0.3) review and respond to email from Broker re Lake Tapps property (0.2); Phone call with Dan Walk re witnesses to will and pending depositions and status or contact information (0.3).	0.8

	Date	ID	Description	Time
165	2/3/2020	SDH	Telephone conference with Eric Pula. Email communication to Stephanie and Andrea re Eric's arrest record.	0.2
166	2/3/2020	SMP	Pull property profiles in Pierce, San Juan, Pacific, Grays Harbor and Spokane Counties. Multiple emails to title companies in respective counties requesting vesting deeds.	2.1
167	2/4/2020	AHM	Analysis of next steps.	0.3
168	2/4/2020	LAK	Brief internal meeting re estate.	0.3
169	2/4/2020	SLB	Phone call with Sam Suveznich re Bonney Lake property and offer.	0.6
170	2/4/2020	SLB	Follow up re TEDRA answer; (0.3); phone call with Richard Perednia (0.5); follow up with CPA re Besola individual returns (0.2).	1
171	2/4/2020	SMP	Review Spokane deeds received from title company. Review Pacific County Deed received from Title Co.	0.7
172	2/5/2020	AHM	Review and respond to emails re administration and strategy.	0.4
173	2/5/2020	LAK	Review and comment on draft letter re tenant in Pacific County property.	0.3
174	2/5/2020	SLB	Research various issues re Tyler Shillito request for position re nonprobate assets; review Will Language re same and briefly research issue (0.8); review and analyze additional issues re Julia Besola challenge and no-contest provision in will (2.5); update Pula counsel re discovery and position re various issues (0.2); Review DUI records and consider statute of limitation defenses and insurance issues relating to same (0.7); review police report re Amelia call (0.3); follow up with Hoquiam property funds and transfer to PR (0.3); reach out to tax professionals and address Perednia conflicts (0.4).	5.2
175	2/5/2020	SLB	Phone call with Jeff Reamer re rent and South Bend property history. Follow up with memo re same and draft letter to Reamer re back rent and new rent.	0.8
176	2/5/2020	SMV	Submit a public records request for court records.	0.1
177	2/6/2020	SLB	Follow up re offer; contact broker to advise estate.	0.3
178	2/6/2020	SDH	Email communication and forwarding the Order and Letters of Testamentary to Mr. Branson.	0.2
179	2/7/2020	LAK	Review info on mortgages; evaluate options; emails re same.	0.3
180	2/7/2020	SDH	Review email regarding mortgage payments. Organize the mortgage statements.	0.2
181	2/10/2020	SMV	Order an audio log of a hearing.	0.2
182	2/11/2020	LAK	Discussion re title reports; review order re same. Check statutes re PR accounting requirements; analysis re next options. Work on finding someone to do the estate tax return; research options re deadline.	1.3
183	2/11/2020	SLB	Review mortgage information from Amelia and Shelly Potter property indices and correlate to list of Estate property (0.8) follow up with Shelly P re additional four properties and San Juan Island properties that may be part of the Estate (0.3); confer with Lisa re tax issues (0.2).	1.4
184	2/11/2020	SLB	Review property list and inventory and update with details.	0.3



	Date	ID	Description	Time
185	2/11/2020	SDH	Text communication with client re meeting and information needed. Email communication with Stephanie Bloomfield regarding meeting with Eric. Schedule meeting.	0.2
186	2/11/2020	SMP	Complete binder re real property. Conference with Lisa re title reports.	1.5
187	2/12/2020	LAK	Work on obtaining title reports for properties, giving instructions to paralegal re determining cost and reviewing Order re same.	0.5
188	2/12/2020	SLB	Follow up re additional title reports; compare with return and list. Follow up re mortgages listed and reconcile.	0.6
189	2/12/2020	SMP	Research additional properties in San Juan, Spokane and Whitman counties. Email communications with title officer re title reports.	3.3
190	2/13/2020	SLB	Review estate tax return, omissions and discrepancies and annotate notes and partnership documents and related matters for review with tax partner.	1
191	2/13/2020	SLB	Continue work to finalize electronic discovery; identify issues to bring to court for approval; review mortgage statements and potential obligations (2.0); review tax returns filed by Amelia and Besola & Besola partnership re Vet business (0.3); work re Counterclaims re Julia (2.5).	4.8
192	2/14/2020	LAK	Discussion/analysis re Amelia's failure to file an accounting; need for Petition for Instructions.	0.4
193	2/14/2020	SDH	Begin organizing records for supplemental production.	3.7
194	2/19/2020	AHM	Review section of file and strategy session for next steps and upcoming motions.	1.2
195	2/19/2020	LAK	Meet with A. McNeely and S. Bloomfield re tax returns, properties, response to T. Shillito, upcoming hearing, petition for instructions, other issues in estate.	0.8
196	2/19/2020	LAK	Internal discussion re status of estate; various projects, timelines, strategy.	0.6
197	2/19/2020	SLB	Meeting re Pula and next steps re property/sales; motion to compel and finalizing answer and bringing issues to court. Follow up re other accident reports and potential for claims. Update timeline.	1.3
198	2/19/2020	SLB	Review unlawful detainer statutes and "lease" to evaluate potential strategies to remove occupant of Lake Tapps house and list house for sale. Review property maps and local statutes applicable. Confer with Joe Gordon Jr re theories and ask for additional evaluation; prepare short summary and outline for Joe to evaluate options.	1.1
199	2/19/2020	SMA	Review emails and status updates from interpleader action.	0.2
200	2/19/2020	JGJ	Conference and e-mail exchange with Stephanie regarding possible termination of tenancy; Review estate's lease with Kevin Curry and RCW 59.12.030(6).	0.7
201	2/19/2020	SMV	Retrieve a federal docket sheet and court document.	0.1
202	2/20/2020	SLB	Prepare for meeting and meet with Eric Pula; follow up re offer on Bonney LAKe real estate; follow up re rent and related issues. Pull property list; assign depositions.	1.3
203	2/20/2020	SDH	Office meeting with Eric Pula re Estate.	0.8

	Date	ID	Description	Time
204	2/21/2020	AHM	Attend court for trial setting.	1.2
205	2/24/2020	AHM	Review broker information on Bonney LAke property.	0.3
206	2/24/2020	LAK	Review email re check for estate being delivered to Ledger Square; review ownership of properties; email property manager re Eric's status as executor.	0.5
207	2/25/2020	AHM	Review current status of payments needed and next steps begin drafting motion.	2.6
208	2/25/2020	LAK	Phone T. Shillito re Amelia's accounting; phone S. Morgan re same.	0.2
209	2/25/2020	LAK	Conference with A. McNeely re accounting; motion for permission. Brief research re same.	0.5
210	2/26/2020	AHM	Continue research, drafting, editing and revising Motion to Approve Costs.	6.9
211	2/26/2020	SLB	Review and edit motion. Follow up re sale and relater issues.	0.5
212	2/27/2020	AHM	Review correspondence from Quentin Wildsmith and follow up call.	0.3
213	2/27/2020	SLB	Follow up re broker issue and opposing counsel request for information; address NDA and other concerns.	0.4
214	2/28/2020	AHM	Brief conference with Elizabeth Thompson.	0.2
215	2/28/2020	LEH	Draft notice and order for disqualification for each of the three superior court cases.	0.7
216	3/2/2020	SDH	Text communications with Eric Pula regarding checks.	0.2
217	3/3/2020	AHM	Monitor emails re status of court date for Estate's motion to approve costs.	0.2
218	3/3/2020	SLB	Follow up re various affidavits and filings; review emails.	0.4
219	3/5/2020	AHM	Call with potential buyer's broker and follow up review of correspondence.	1.2
220	3/6/2020	LAK	Respond to message re issue with Key Bank; speak to Key Bank representative re account; speak with Tiffany re same, with instructions for Eric.	1.3
221	3/9/2020	AHM	Review emails surrounding motion for default by Amelia Besola.	0.4
222	3/9/2020	LAK	Review pleadings sent by T. Shillito re will contest; review issues; email co-counsel re same.	0.3
223	3/10/2020	SDH	Text communications with client regarding bank account.	0.2
224	3/10/2020	CLS	Prepare letter to Jeffrey Reamer and Margie Sampson regarding future rent payments and forwarding March invoice.	0.4
225	3/13/2020	AHM	Prep for and attend James Garrett deposition (witness to Besola will).	5.6
226	3/13/2020	LAK	Speak to Eric meeting with Key Bank guy. Research and text legal standards to A. McNeely (in deposition).	0.7
227	3/16/2020	AHM	Review and respond to various emails among counsel.	0.3
228	3/16/2020	LAK	Review incoming rent checks; instructions re handling same.	0.2
229	3/18/2020	LAK	Work on organization of documents for Eric's accounting.	0.4
230	3/19/2020	AHM	Analyze mortgage issue.	0.3
231	3/19/2020	LAK	Review letter from S. Morgan and notification from mortgage company; research re same; draft letter in response. Evaluate options in light of Emergency Orders.	1.7
232	3/20/2020	AHM	Review and analyze issues related to pending motion.	0.9



	Date	ID	Description	Time
233	3/20/2020	LAK	Review new order from SupCt re civil hearings, evaluate same and effect on communications; revise letter and send to S. Morgan.	0.5
234	3/23/2020	AHM	Work on issues related to pending motion and real estate.	0.6
235	3/23/2020	LAK	Internal discussion re hearing, property sale, estate tax return, etc.	0.5
236	3/23/2020	SLB	Follow up re offer on Bonney Lake Property, confer with Andrea; review correspondence and respond re offer.	0.7
237	3/24/2020	AHM	Work on issues surrounding Bonney Lake Property.	0.6
238	3/24/2020	SLB	Phone call with Broker Suznevich; follow up email and call with Andrea to direct follow up re Bonney Lake property.	0.5
239	3/26/2020	AHM	Work on Bonney Lake property negotiations.	0.3
240	3/26/2020	SLB	Review and analyze motion to strike options and rule 11 issue. Emails to other respondents re options.	0.3
241	3/26/2020	SDH	Review Garrett dep transcript. Prepare dep exhibit list.	0.5
242	3/27/2020	AHM	Work on issues surrounding Bonney Lake property negotiations.	0.6
243	3/27/2020	SDH	Email communication to Stephanie Bloomfield and Andrea McNeely regarding telephone conference with client.	0.2
244	3/30/2020	AHM	Draft revisions to answer and counterclaim.	1
245	3/30/2020	AHM	Work on reply on motion to approve costs.	1.8
246	3/30/2020	LAK	Review Answer; add edits and comments re same.	1.1
247	3/30/2020	SLB	Review and finalize TEDRA answer and counter/cross claims; research issues procedurally re cross claim.	1.3
248	3/30/2020	SLB	Follow up re filing issues with Answer; correct version to include all updates for refiling.	0.5
249	3/30/2020	SDH	Email communications with Ms. Bloomfield. Prepare check requests from trust to the Estate for rent payments from Sampsons.	0.2
250	3/31/2020	AHM	Work on discovery and accounting.	1.3
251	3/31/2020	AHM	Drafting, revising and finalizing reply, declaration and proposed order on motion to approve costs.	5.2
252	3/31/2020	SLB	Review and edit reply materials; analysis re response and pull information needed for exhibits; follow up re status of documents and edit proposed orders. Follow up re document production issues.	1.5
253	3/31/2020	SLB	Review response pleadings and follow up work re real estate evaluation; negotiations and incorrect positions set forth by objecting parties.	1.2
254	3/31/2020	CLS	Mail a copy of Personal Representative's TEDRA Answer, Counterclaims and Crossclaims to beneficiaries UC Davis Veterinary Catastrophic Need Fund and KARE - Kitsap Animal Rescue and Education. Prepare and file Declaration of Mailing.	0.4
255	4/1/2020	AHM	Review and revise motion to strike and begin prep for Friday.	0.9
256	4/1/2020	AHM	Work on Bonney Lake property negotiations.	0.4
257	4/1/2020	LAK	Review email from S. Morgan; reply from T. Shillito. Draft response to email. Send notes to A. McNeely.	0.5
258	4/1/2020	SLB	Research and analysis re SJ outline/facts (0.8); review and outline Garrett Dep into facts (1.50); draft Discovery to Amelia (0.4); follow up review of late filings (0.2).	2.9

	Date	ID	Description	Time
259	4/1/2020	SLB	Phone call with Andrea re broker evaluation and motion issues; briefly review untimely replies and draft motion to strike.	0.8
260	4/2/2020	LAK	Review all pleadings; research re same; draft memo to S. Bloomfield re arguments for tomorrow's hearing.	2.4
261	4/2/2020	SLB	Communications with Walk re fidelity account issues (0.2); review and address potential issues for argument and verify account balances (0.3).	0.5
262	4/2/2020	SDH	Communications with team. Telephone conference with client regarding estate account.	0.2
263	4/3/2020	AHM	Review proposed order on PR Motion to Approve Costs (.3), review property status and notes and conference with broker prior to conference with potential buyer of Bonney Lake property (.6) conference with buyer and buyer's broker and follow up (1.2).	2.1
264	4/3/2020	LAK	Review letter from S. Morgan re Amelia's claim for partial funeral expenses; brief research and write response to same. Discussion re results of this morning's hearing and next steps.	0.9
265	4/3/2020	SLB	Prepare for oral argument; review and outline information filed and summarize offers (1.2); attend hearing wait for case to be called; argue matter (2.8); follow up call with Thu Nguyen re threats by Amelia's counsel to take "Default" against UC Davis if she does not appear (0.7); email court re Order and review Stuart's responses and further respond (0.2).	4.9
266	4/3/2020	CLS	Update Case Contact Sheet to include beneficiaries UC Davis Veterinary Catastrophic Need Fund and KARE - Kitsap Animal Rescue and Education; distribute to attorneys.	0.3
267	4/5/2020	LAK	Research statutes and case law re actions against former personal representative. Message co-counsel re same and re status of court's authorization to pay bills when no written order has been entered.	1.2
268	4/6/2020	LAK	Arrange for Eric to start making payments once he gets checks; work with S. Hankins on accounting system; discussion/evaluation re tax issues.	1.2
269	4/6/2020	SDH	Telephone conference with client. Communications with counsel regarding estate accounting. Prepare accounting spread sheet. Organize checks payable to the estate.	3.2
270	4/6/2020	SDH	Review client file. Draft communications to AXOS Bank regarding mortgage.	0.8
271	4/7/2020	AHM	Work on Bonney Lake negotiation and appraisal issue.	0.3
272	4/7/2020	LAK	Internal discussion and brief research re will contest strategy.	0.5
273	4/7/2020	LAK	Phone conference with Eric re payment of bills, working with bank, mortgages. Call bank, call mortgage company. Sign letters to mortgage companies. Draft letters re access to account and payment of mortgages. Revise/work on accounting spreadsheet for probate.	2.5
274	4/7/2020	SDH	Continue to draft discovery production to Amelia.	0.8

	Date	ID	Description	Time
275	4/7/2020	SDH	Review client file. Organize estate bills. Update spreadsheet. Prepare correspondence to Rex Humphrey re Hangar Lease. Prepare correspondence to SunTrust Bank, US Bank, and Wells Fargo Mortgage regarding mortgage payments. Email communications with counsel regarding the same.	3.2
276	4/7/2020	SDH	Text communication with Client. Telephone conference with Lisa Kremer regarding estate account.	0.2
277	4/7/2020	CLS	Prepare Joinder of Personal Representative in Brandon Gunwall's Motion to Consolidate in TEDRA19-4-01902-9. File and serve Joinder and send Judge's Working Copies to Judge Chushcoff.	0.8
278	4/8/2020	LAK	Phone conference with Key Bank representative re options for paying bills quickly; cashier's check. Phone conference with mortgage company re amount due to cure, payment instructions. Email both re same. Draft instructions to paralegal re working with Eric on same.	2.6
279	4/8/2020	SLB	Follow up re query on mortgage payments; review correspondence with brokers.	0.3
280	4/8/2020	SDH	Estate bill payment strategy with Lisa Kremer and client. Telephone message to client. Estate bill payment strategy with Lisa Kremer and client. Telephone message to client. Telephone conference with client.	0.9
281	4/9/2020	LAK	Exchange messages and instructions, then meet Eric at office re paying mortgages and others bills, establishing a record-keeping system for eventual accounting. Brief phone conference with banker. Phone conference with Damish, CPA, re 2016 return; review with Eric; arrange for return to be Fedexed to IRS. Email Axios re incoming payment.	4.3
282	4/9/2020	SDH	Email communications with Lisa Kremer, Stephanie Bloomfield and Andrea McNeely. Telephone conferences with Client. Email communication with Elizabeth Thompson.	1.6
283	4/9/2020	SDH	Review file and communications with counsel regarding client strategy for estate bills and related items.	0.4
284	4/10/2020	LAK	Research estate tax filing deadlines; phone estate tax division for phone conference re due dates, penalties (none). Draft estate tax filing extension request and explanatory letter re same. Sign and email to state.	2.4
285	4/10/2020	SDH	Review Estate's 2016 tax returns. Email communications with Lisa Kremer re the same. Review Estate's 2016 tax returns. Email communications with Lisa Kremer re the same.	1.0
286	4/10/2020	CLS	Probate Matter - Obtain 04-08-20 Order Granting Motion for Accounting from the Prior PR and Approving Expenditures to Protect/Market Estate Property from LINX; forward to Stephanie Bloomfield, Andrea McNeely and Lisa Kremer.	0.3
287	4/11/2020	CLS	Receive and process Amelia Besola's 1st ER 904 Disclosures in TEDRA 19-4-01945-2. Organize Exhibits 1-105. Email Stephanie Bloomfield regarding missing Exhibits 106-111.	1.3

	Date	ID	Description	Time
288	4/13/2020	LAK	Review updated property information since first draft of estate tax return; calculate potential estate value based on updated information. Exchange emails with estate tax division re interest rate; calculate same based on extended time needed to file complete and accurate return and have liquidity in estate to pay same.	2.8
289	4/13/2020	LAK	Per review of inventory, revise instructions to paralegal re ordering title reports; internal/emailed discussion re same with S. Bloomfield.	0.5
290	4/13/2020	SLB	Continue review of over 100 ER 904 exhibits; draft objections and update timeline. Notes re follow up discovery.	4.8
291	4/13/2020	SLB	[NO CHARGE] Follow up re Tax Return and extension and related issues.	0.3
292	4/13/2020	SDH	Review exhibits from Petitioner's ER 904.	0.2
293	4/13/2020	SDH	Download ER 904 from Petitioner.	1.0
294	4/13/2020	CLS	TEDRA 19-4-01945-2 - Prepare initial draft of Personal Representative's Objections to 1st ER 904 Disclosures by Amelia Bersola; send link to ER 904 Disclosures and Exhibits 1-105 to Elizabeth Thompson and Daniel Walk.	2.0
295	4/13/2020	CLS	Probate - Draft letter to tenants of South Bend, Washington property regarding non-payment of April 2020 rent; forward to Stephanie Bloomfield for review.	0.3
296	4/14/2020	AHM	Gather information regarding various potential appraisers for Bonney Lake property.	0.3
297	4/14/2020	CLS	Update Case Contact Sheet and distribute to secretaries and paralegals for future use.	0.4
298	4/14/2020	CLS	TEDRA Actions - Obtain copy of Order Granting Motion to Consolidate TEDRA Actions from Pierce County LINX; distribute to attorneys.	0.3
299	4/15/2020	AHM	Gather appraisal info and email broker re same.	0.6
300	4/15/2020	SLB	Complete review of all Amelia Besola's 100+ ER 904 Exhibits and draft objections as warranted; follow up with staff re additional PRA requests. Consider medical expert for opinion.	5.7
301	4/15/2020	CLS	Probate - Finalize and send letter to renters of Sound Bend property regarding missing and future payments.	0.3
302	4/15/2020	CLS	Probate - Receive and process Julia Besola-Robinson's Answer to PR Pula's Cross Claims and Answer to Kelly McGraw and Pula (individually) Cross-Claims; forward to attorneys.	0.3
303	4/20/2020	LAK	Email S. Bloomfield re potential sales of property.	0.3
304	4/20/2020	SDH	Review records from Amelia Besola. Email communication with counsel regarding estate's accounting.	1.7
305	4/20/2020	CLS	Estate of Mark Besola - Telephone conference with South Bend property tenant, Margie Sampson, regarding receipt of April 2020 rent payment.	0.2

	Date	ID	Description	Time
306	4/22/2020	SLB	Re-review exhibits and update timeline; follow up re medical records; review criminal proceedings and related filings in civil cases for further discovery follow up (2.5); meet briefly with client re payments to estate (0.2); review email from Walk re ER 904 issues (0.4).	3.1
307	4/22/2020	SDH	Text communication with Eric Pula regarding estate account. Email communication with Ms. Bloomfield regarding the same.	0.2
308	4/22/2020	SDH	Update estate payment ledger.	0.3
309	4/23/2020	AHM	Review communication from 'Kevin Curry and prepare subpoena language.	0.3
310	4/23/2020	SLB	Phone call re discovery and ER904 issues (0.8); follow up re depositions and circulate options with other counsel (0.3); review and finalized ER904 objections (0.3).	1.4
311	4/24/2020	LAK	Review letter from tenant Curry; evaluate options re same and email S. Bloomfield re same.	0.3
312	4/24/2020	CLS	TEDRA Actions - Prepare final version of Personal Representative's Objections to Amelia Besola's 1st ER 904 Notice; file with the Court and serve on all counsel.	0.5
313	4/27/2020	SLB	Phone call with Eric Pula re brief status and meeting.	0.3
314	4/27/2020	SDH	Telephone conference with Client. Review incident report. Prepare public records request from Pierce County Sheriff's Department.	1.6
315	4/28/2020	AHM	Review and revise and finalize subpoena.	0.2
316	4/28/2020	LAK	Brief analysis re discovery in probate vs. TEDRA and emails re same.	0.4
317	4/28/2020	SDH	Telephone conference and text with client. Email communications with Andrea regarding meeting.	0.2
318	4/28/2020	SDH	Communications with counsel regard deposition strategy. Draft deposition subpoena duces tecum to Kevin Curry. Draft Notice of Intent.	1.3
319	4/28/2020	SDH	Finalize Notice of Intent to Issue. Email the same to all parties.	0.2
320	4/29/2020	SDH	Locate contact information for Mark Besola's medical treating facilities. Prepare HITECH letters.	1.6
321	4/29/2020	SDH	Download documents in response to public records request to Pierce County Sheriff. Work with IT to download audio recordings. Email communication with Stephanie Bloomfield re the same.	0.6
322	4/29/2020	SDH	Communications with Pierce County Sheriff's records department. Pay records fee invoice.	0.3
323	4/30/2020	AHM	Review portions of discovery relevant to will contest and analysis of same.	0.3
324	4/30/2020	SLB	Review Mark Besola recorded statement and follow up with additional requests.	1.0
325	4/30/2020	SDH	Email communication with Stephanie regarding additional request to Pierce County Sheriff's Department. Send two additional records request to Sheriff's Department.	0.7
326	5/1/2020	LAK	Per email from management company re property insurance; review documents re same, exchange messages with S. Bloomfield and with property manager.	0.5

	Date	ID	Description	Time
327	5/4/2020	AHM	Emails with broker for a potential buyer for Bonney Lake and internal follow up re same.	0.3
328	5/4/2020	LAK	Review Eric's ledger and ledger created in house; revise same; email instructions re same.	1.1
329	5/4/2020	SDH	Download documents from Pierce County Sheriff's Department. Review transcripts. Communications with record staff regarding audio recordings. Email communication to Lisa regarding estate bills.	2.4
330	5/5/2020	SDH	Hospital and Medical Center, WA Physicians Health Program, MultiCare Health System Behavioral Health, Swedish Medical Center, Providence Clinic, UW Medicine and Good Sam Hospital. Email communications with counsel regarding missing transcripts. Review client file to confirm.	4.7
331	5/5/2020	SDH	Telephone conference with client.	0.1
332	5/5/2020	SDH	Communications with Pierce County Sheriff. Review invoice and request payment of the same. Email communications with Lisa Kremer regarding estate statements. Text communication to client.	0.7
333	5/6/2020	AHM	Internal follow up from client meeting.	0.2
334	5/6/2020	AHM	Meeting with client regarding estate administration matters and next steps in litigation.	1.8
335	5/6/2020	LAK	Discussion re use of funds in estate and instructions for Eric.	0.4
336	5/6/2020	LAK	Phone conference with agent re insurance for estate houses; review contract re same; draft explanation and instructions for Eric; email signed agreement to agent; exchange emails re same.	1.3
337	5/6/2020	SDH	Review communications from Pierce County Sheriff's Department. Email communications to Accounting for payment.	0.2
338	5/6/2020	SDH	Text communications with client regarding scheduled meeting appointment. Email communication with attorney re the same.	0.6
339	5/6/2020	SDH	Travel to and from office. Office conference with client. Scan documents.	0.8
340	5/6/2020	SDH	Review communications from Tyler Shillito. Email communications with attorneys re the same.	0.2
341	5/7/2020	AHM	Review emails and respond regarding status of document production and review.	0.2
342	5/7/2020	LAK	Exchange emails with and phone conference with R. Boatsman re payment for insurance for rental houses.	0.8
343	5/7/2020	CLS	Review case and update Case Contact Sheet.	0.2
344	5/7/2020	SDH	Email communication with Byers and Anderson regarding deposition. Email communication to Byers and Anderson re the same.	0.2
345	5/7/2020	SDH	Text communication to client regarding PO Box information. Email communication with attorney's regarding document review scheduling. Finalize HITECH letter.	1.1
346	5/8/2020	AHM	Review subpoena and cover letter, review May 5 letter from Tyler Shillito and case cited in the same. Draft responsive letter.	0.5

	Date	ID	Description	Time
347	5/8/2020	LAK	only with Amelia; attempt to call re same; draft letter to bank re same; exchange emails with representative from Axos re similar communications issues due to Amelia's failing to notify them.	2.4
348	5/8/2020CLS	CLS	Coordinate personal service of Records and Deposition Subpoena on Kevin Curry.	0.4
349	5/8/2020	SDH	Review letter to Mr. Shillito re Kevin Curry. Email the same to all parties.	0.2
350	5/8/2020	SDH	enclosing correspondence and subpoena to all parties. Telephone conference with Ms. McNeely re the same.	0.7
351	5/8/2020	SDH	Finalize, fax and email HITECH letters re Mark Besola's medical records to various medical facilities. Locate facsimile and email contact information for medical facilities.	4.1
352	5/11/2020	LAK	Review ledger and mortgage info from Wells Fargo; calculate current payment due; analyze payments made.	0.8
353	5/11/2020	CLS	Communicate with Stephanie Bloomfield regarding deposit of May rent from South Bend tenant. Prepare and sent letter to South Bend tenants, with invoice for June 2020 rent.	0.5
354	5/11/2020	CLS	Communication with process server regarding status of service of records-deposition subpoena on Kevin Curry.	0.2
355	5/11/2020	SDH	Email communications with legal assistant regarding S&SH Consulting. Email communication with legal assistant regarding service of subpoena upon Kevin Curry.	0.2
356	5/11/2020	SDH	Review Estate bank statements. Update ledger.	0.8
357	5/12/2020	AHM	Initial review of nearly 200 boxes Of documents that did not match labels or production numbers offered up as Amelia's response to Pula's first discovery in cramped storage space and unsafe conditions. Search for responsive documents that were not present. Search for documents from 2012 forward which were not present.	2.5
358	5/12/2020	LAK	Exchange emails with property management company re structuring of payment of property taxes; update spreadsheet for tracking expenses and income to estate; inquiries re same; instructions re payment of property taxes.	2.6
359	5/12/2020	LAK	Recalculate mortgage payment due per statement from Wells Fargo.	0.2
360	5/12/2020	SLB	Prep for and travel to Federal Way to review documents; review and attempt to identify potentially relevant materials in over 200 unorganized boxes in the basement of vet clinic without adequate light, ventilation or reasonable access. Return to office; follow up letter to Counsel for Amelia Besola re document dump and bad faith response/production.	5.2
361	5/12/2020	CLS	Records-Deposition Subpoena. Receive and process video of Lake Tapps property taken by process server. Update Stephanie Bloomfield and Sincere Hankins.	0.5
362	5/12/2020	SDH	Email communication with Lisa Kremer regarding accounting. Update estate ledger.	1.3



	Date	ID	Description	Time
363	5/12/2020	SDH	Office conference with client regarding estate bills. Prepare letter to RC Swartz enclosing property insurance payment. Mail mortgage payment to Wells Fargo Mortgage for property located at 3411 East 31st St. Ave. Scan and organize the same.	1.2
364	5/12/2020	SDH	Travel to and from Amelia's Animal Clinic. Review boxes.	2.0
365	5/13/2020	SDH	Email communication with Lisa Kremer. Update estate account spreadsheet.	0.7
366	5/14/2020	CLS	Telephone call with Margie Sampson regarding deposit of May rent for South Bend property.	0.1
367	5/15/2020	AHM	Correspondence with appraiser on Bonney Lake property and internal follow up.	0.2
368	5/15/2020	SLB	Review documents from SD card and attempt to assess what relevant information is contained and address next steps for production.	2.3
369	5/15/2020	SDH	Sage at the Pierce County Sheriff. Prepare link to documents and forward to opposing counsel. Download documents from Amelia Besola.	4.2
370	5/18/2020	SLB	Brief follow up with paralegal re steps to address documents from SD card and organization of same.	0.2
371	5/18/2020	SDH	Begin to review and organize documents produced by Jose Vera on SD card.	6.4
372	5/18/2020	SDH	Search US Postal mail regarding delivery of certified letter to Kevin Curry. Email communication to Stephanie Bloomfield and Andrea McNeely re the same.	0.3
373	5/18/2020	SDH	Review facsimile communications from Swedish Medical Center. Communication with Eric Pula regarding copy of ID for Swedish medical center for Mark Besola medical records request.	0.3
374	5/18/2020	SDH	Email communications with Sheriff's Department regarding Bradley Bouton's statement. Forward statement to Mr. Walk and Ms. Thompson.	0.4
375	5/19/2020	AHM	Review status of service on witness Kevin Curry, research potential ways to affect service on tenant witness who is avoiding service.	0.4
376	5/19/2020	LAK	Per email from Axos, provide further documentation to confirm Eric's identity as PR due to Amelia's failure to withdraw re same; exchange further emails re same; exchange emails with property manager re insurance.	1.7
377	5/19/2020	LAK	Exchange emails with Axos bank representative re requirements for communications re mortgage. Send email re property insurance.	0.6
378	5/19/2020	SDH	Email communication with Andrea McNeely and Stephanie Bloomfield regarding depositions.	0.3
379	5/19/2020	SDH	Continue to review and organize documents on SD card.	4.3
380	5/20/2020	AHM	Follow up on discovery issues, draft emails to computer forensic specialist, draft email to counsel for Amelia Besola re same.	0.5



	Date	ID	Description	Time
381	5/20/2020	LAK	Review past info to determine likely upcoming amounts due for mortgages; review SunTrust letter and inventory documents to determine whether it is an estate expense; review document from discovery release that shows Amelia's estate expenses through September and analyze same; instructions re payments; write brief emailed memo re expenses.	3.6
382	5/20/2020	SLB	Further review and analysis re SD card data and follow up re missing texts/emails and potential forensic assistance.	1.6
383	5/20/2020	SDH	Text communication with Eric. Respond to Swedish communications regarding medical records request for Mark Besola's records. Fax Eric's government issued ID.	0.3
384	5/20/2020	SDH	Download documents from CHI Franciscan in response to HITECH request.	0.3
385	5/21/2020	AHM	Conference call with Amelia Besola attorney regarding phone imaging request necessitated by incomprehensible document dump of multiple thousands of documents in response to discovery requests, and discussion regarding Amelia Besola renter who is avoiding service and follow up.	0.5
386	5/21/2020	LAK	Exchange emails with Axos re PR's access.	0.2
387	5/21/2020	SLB	Review first 2,000 pages of electronic document production.	3.5
388	5/21/2020 CLS	CLS	Receive and process 05-20-20 document production received from Amelia Besola counsel Tyler Shillito. Forward link to documents to Stephanie Bloomfield and Andrea McNeely.	0.5
389	5/22/2020	LAK	Review expenses needed to be paid and email S. Hankins re working with Eric re same; scheduling.	0.5
390	5/22/2020	SDH	Travel to and from office to meet with Eric. Text communication from Eric.	0.6
391	5/26/2020	AHM	Draft letter to counsel for Amelia Besola necessitated by Amelia Besola's failure to respond to request to inspect her phone and facilitate assistance with service on her renter Kevin Curry.	0.4
392	5/26/2020	LAK	Review information provided with accounting; discussion re same.	2.5
393	5/26/2020	SLB	Review approximately 2600 pages of documents and annotate for follow up indexing by paralegal staff; phone call with Andrea re follow up on Kevin Curry; follow up with staff re recipe in her to Kirk Kelley	3.6
394	5/26/2020	CLS	Communication with court reporter canceling Zoom deposition of Kevin Curry scheduled for May 28, 2020	0.2
395	5/27/2020	AHM	In office communications re document review.	0.2
396	5/27/2020	AHM	Review specific emails regarding properties and accounting.	0.3
397	5/27/2020	SLB	Review approximately 4,000 pages of Amelia Besola's unallocated document production, index and tag for follow up inquiry. (4.0) Review and evaluate accounting and exhibits for missing information and additional follow up (2.0).	6.0
398	5/27/2020	CLS	Draft Records Subpoena directed to Kirk Kelley of Right Fit Real Estate Inc.; forward to Andrea McNeely for review.	0.6
399	5/28/2020	AHM	Initial research re partnership damages from Amelia Besola's improper dismissal of claim against partnership.	0.6

	Date	ID	Description	Time
400	5/28/2020	AHM	Strategy and dividing of tasks among attorneys.	1.1
401	5/28/2020	AHM	Review multiple correspondence from Amelia counsel regarding status of still outstanding documents, and refusal to provide phone for review and begin response.	0.3
402	5/28/2020	LAK	Meeting with S. Bloomfield and A. McNeely. Review documents re issues with accounting provided by Amelia.	2.2
403	5/28/2020	SLB	Confer with Andrea and Lisa re assignments, status, report on documents reviewed to date and how it relates to insurance and probate issues; determine next steps with discovery and tasks moving forward to avoid duplication (0.8); Continue review of document dump of another 600 pages(1.7).	2.5
404	5/28/2020	SLB	Continue review and tagging of additional 1500 pages of document production; flag docs for follow up; identify additional areas of inquiry and issues.	3.2
405	6/2/2020	AHM	Follow up on appraisal payment and status.	0.3
406	6/2/2020	AHM	Work on discovery efforts, sdts and depositions.	0.5
407	6/2/2020	LAK	Review and prep form for Axos for Eric's signature; instructions re info needed from bank. Work on estate issues re tracking funds into estate.	0.9
408	6/2/2020	SLB	Complete last 1200 pages of document dump review and index/bookmark (3.8); Draft email to Shillito re incomplete document (0.2); follow up re tax documents and begin pulling key documents for witness deposition (1.5).	5.5
409	6/2/2020	SDH	Text communication with client. Email communication with Stephanie. Review and respond to facsimile communications from Swedish Medical Center.	0.3
410	6/3/2020	AHM	Continue work on discovery issues. Begin reviewing certain deficiencies and drafting Notice to Inspect Amelia's phone.	0.8
411	6/3/2020	SLB	Review documents and outline subpoena to Phoenix Laboratories re stock transfers and communications.	0.7
412	6/3/2020	SLB	Continued review of tax returns and begin preparation for depositions with coordination of evidence and exhibits by issue (1.5); draft common interest agreement in writing to confirm oral agreement and include new counsel and follow up with Dan Walk re issue of Federal Interpleader (1.5).	3.0
413	6/3/2020	SDH	Revise medical records request. Enclose death certificate for Mark Besola and WA State ID for Eric Pula. Fax the same to Providence Clinics.	0.6
414	6/3/2020	SDH	Organize estate file. Organize and obtain meeting materials with Eric Pula.	1.8
415	6/4/2020	AHM	Continued work on discovery from Petitioners.	0.4
416	6/4/2020	LAK	Exchange emails and forms with Axos representatives; finally obtain statements; note payment history by A. Besola after her removal; emails re same.	3.8
417	6/4/2020	SLB	Phone call with attorney Karen Bertram re status of case, factual background development of claims against Amelia, theories in Will Contest, Fidelity case and interpleader and plan to move forward.	1.0

	Date	ID	Description	Time
418	6/4/2020	SLB	Follow up re depositions, scheduling and documents to subpoena. Review and edit subpoenas for Kelley and Curry (0.5); briefly meet with Eric re next steps and discuss depositions and preparation(0.3); evaluate additional documents needed from Amelia Besola and review limited tax and financial documents tagged in review of document dump to address missing documents and begin to outline in preparation for drafting discovery to Amelia (1.5); Follow up re Hangar lease payments (0.2).	2.5
419	6/4/2020	SDH	Prepare letters to Axos Bank and US Bank enclosing June mortgage payments. Review and scan medical records from MultiCare Behavioral Health. Email communication with Lisa Kremer regarding estate accounts. estate accounts.	1.9
420	6/4/2020	SDH	Office meeting with Mr. Pula.	1.0
421	6/4/2020	SDH	Mail Wells Fargo Mortgage payment.	0.2
422	6/4/2020	SDH	Mail Tax Form 2848 Third Party Power of Attorney to Todd Damish.	0.2
423	6/4/2020	SDH	Prepare letter to Rainier RCL, LLC enclosing appraisal fee payment. Scan and mail.	0.3
424	6/5/2020	AHM	Review and revise discovery, continue work on discovery issue.	0.9
425	6/5/2020	LAK	Attempt to reach agent re insurance for two properties in estate.	0.2
426	6/5/2020	SLB	Continue review of documents and witness preparation for depositions; develop schedule of assets(1.8). Complete discovery requests to Amelia re additional communications, tax returns; research data (1.5); develop counterclaim issues and analyze overall potential assets and claims to pursue against Amelia (1.3).	4.6
427	6/5/2020	CLS	Finalize Personal Representative discovery requests to Amelia Besola; update Certificate of Service.	0.6
428	6/5/2020	CLS	Prepare Certificate of Service for Personal Representative's Discovery Requests to Amelia Besola. Serve discovery requests on Amelia Besola's counsel, with copies to other counsel.	0.5
429	6/5/2020	SDH	Text and telephone communication with Eric re his availability for deposition. Review and index discovery production from Amelia.	5.5
430	6/8/2020	LAK	Review letter from S. Morgan with statement; phone conference (long) with US Bank attempting to ascertain issues with estate communications; review letters and checks sent to US Bank; draft letter to S. Morgan re same.	2.1
431	6/8/2020	LAK	Brief review of correspondence re hangar and lease; emails re same. Work on assembling estate accounting information.	2.5
432	6/8/2020	CLS	Email and mail letter to Rex Humphrey regarding Hangar Lease payments.	0.4
433	6/8/2020	SDH	Email communications with Lisa Kremer regarding US Bank Mortgage payments. Email communications with Lisa Kremer regarding US Bank Mortgage payments. Review client file. Update and prepare links to account spread sheet.	3.3
434	6/8/2020	SDH	Text and email communications with client regarding deposition preparation.	0.4
435	6/9/2020	LAK	Phone conference with insurance agent re properties. Email him information re same.	0.9

	Date	ID	Description	Time
436	6/9/2020	LAK	Email Schwartz re missing check. Email S. Bloomfield re potential conflict issues re same.	0.3
437	6/9/2020	SLB	Phone call with Burkhamer re Hoquiam rental, action of tenants and discuss listing and sale of property. Explain need for court approval and request listing agreement and pricing recommendations.	0.6
438	6/9/2020	SLB	Research medical and forensic expert issues; research potential experts and develop information key to opinions re testamentary capacity, elements and arguments being raised. Review factual timeline of events supporting the long history of dispute with Amelia and each step taken by Mark to remove her from accounts, and institute litigation. Draft work product memo to common interest parties to summarize key points and recommend experts.	3.5
439	6/9/2020	SLB	Follow up re Amelia's deliberate misdirection of Thun Field payments and failure to provide condo association assessments or related information; emails to Rex Humphrey and Lyle re same (0.5); follow up with Karen Bertram re Zoom request for depositions and receipt of notices (0.2).	0.7
440	6/9/2020	SDH	Review estate account. Email communication to Lisa Kremer regarding account transactions. Text communications to and telephone conference with Eric Pula.	1.0
441	6/10/2020	AHM	Working broker on potential offer on Bonney Lake property, review appraisal, drafting stipulation to circulate among all parties, review pertinent emails on property and draft letter to parties re potential sale incorporating all of the above.	2.1
442	6/10/2020	LAK	Correspondence with US Bank, which insists on communicating only with Amelia, and Axos Bank.	1.0
443	6/10/2020	SLB	Meet with client re status (0.3); follow up re experts and reach out to medical experts re consultation (0.5); review and edit letter re property sale (0.2); review purchase and sale agreement and potential motion practice if parties oppose sale (0.5).	1.5
444	6/10/2020	CLS	Prepare and mail letter to South Bend tenants, Jeffrey Reamer and Margie Sampson, forwarding invoice for July 2020 rent-back payments.	0.5
445	6/10/2020	SDH	Communications with client, Stephanie and Lisa Kremer regarding estate account. Complete signature stamp order form.	0.4
446	6/11/2020	LAK	Review copies of documents from bank re deposits; internal discussion and analysis re same.	0.8
447	6/11/2020	SDH	Email communication to Lisa Kremer regarding estate account. Update estate ledger. Communication with client.	0.7
448	6/12/2020	LAK	Provide info needed for adding property manager as additional insured on policy; review request for info from mortgage holder, research ownership of property, send information to insurer to provide.	0.8
449	6/15/2020	AHM	Work on drafting a motion to approve the sale of Bonney Lake property necessitated by the Amelia and Julia parties' failure to respond to stipulation.	1.0

	Date	ID	Description	Time
450	6/15/2020	SLB	Review matrix and email opposing counsel re missing bates numbers.	0.2
451	6/15/2020	SLB	Review PRR response from City of Federal Way; write to follow up re incomplete nature of response.	0.3
452	6/16/2020	SLB	Review three videos of Decedent in conjunction with July 2018 arrest in Spokane; note portions of tape referencing dispute with sisters.	0.8
453	6/16/2020	SDH	Prepare deposition index. File organization. Review dep transcript.	1.5
454	6/17/2020	AHM	Reviewing and analyzing correspondence from Shillito re Amelia's refusal to stipulate to sale and reasons therefore.	0.3
455	6/17/2020	AHM	Reviewing discovery file and reviewing and compiling exhibits for declaration in support of motion to approve sale of Bonney Lake property.	1.4
456	6/17/2020	AHM	Drafting, revising and finalizing motion and declaration in support of motion to approve sale of Bonney Lake property.	3.3
457	6/17/2020	SLB	Review and edit motion and declaration.	0.4
458	6/17/2020	SLB	Begin review of latests document production by Amelia (2,000+pages).	0.7
459	6/17/2020	SDH	Review Wells Fargo Escrow Review. Email communications with attorneys regarding options.	0.3
460	6/17/2020	SDH	Review and organize correspondence regarding property appraisal and records from the Department of Health. Update client file.	0.4
461	6/17/2020	SDH	Download exhibit and forward to legal assistant for declaration.	0.2
462	6/18/2020	AHM	Go through Curry witness file, review documents and begin compiling documents for deposition.	1.4
463	6/18/2020	AHM	Brief internal conferences regarding deposition and case strategy.	0.2
464	6/18/2020	AHM	Review Letter and cases cited by Amelia Besola counsel regarding claimed Attorney client privilege for witness Kevin Curry and participate in counsel's scheduled CR 26 regarding same.	1.1
465	6/18/2020	LAK	Phone conference with insurance agent re properties; status of case; need to change policy on Bonney Lake house to correct party insured. Followup email to him re same.	0.7
466	6/18/2020	SLB	Follow up re deposition issues (0.5); Continue work reviewing remaining 1600 pages of documents and tag and index and update timeline (3.5); phone cal with expert Adler (1.0) follow up re additional expert options and draft correspondence re case (0.6); complete review of document (0.7).	6.3
467	6/19/2020	AHM	Follow up on deposition subpoena service issues.	0.3
468	6/19/2020	SDH	Locate and organize deposition for Kevin Curry.	0.7
469	6/22/2020	AHM	Review emails and case schedule (.2), review confirmation of joinder (.1), correspond with Amelia counsel regarding Curry service and Amelia's claim of privilege and communicate internally re needed drafting (.5).	0.8
470	6/22/2020	LAK	Draft info release letter to financial institutions re release of financial info; review tax documents re same and instructions re same.	0.9

	Date	ID	Description	Time
471	6/22/2020	SLB	Follow up with information requested by potential expert; review file for data requested and email expert re same.	0.3
472	6/23/2020	AHM	Review responses to motion to approve sale of Bonney Lake property and begin drafting reply brief.	2.8
473	6/23/2020	AHM	Outline and coordinate motion to serve Currie by alternate pleadings and conference with John Cummings re-needed briefing and review declaration and revise.	0.7
474	6/23/2020	LAK	Draft brief emailed memo to J. Cummings re client's appointment as PR.	0.4
475	6/23/2020	LAK	Review Response re sale of property; brief analysis re same, and re involved party.	0.7
476	6/23/2020	JMC	Strategize Motion for Alternative Service with A McNeely (0.3). Review and analyze declarations and correspondence related to service of the deposition subpoena, draft declaration of Andrea McNeely and prepare exhibits, research alternative service pursuant to CR and TEDRA, draft motion for alternative service, review and finalize proposed order, confer with A McNeely re: strategy for brief (3.7).	4.0
477	6/24/2020	AHM	Follow up contacts with witnesses re reply on motion for sale of property.	0.4
478	6/24/2020	AHM	Continue drafting reply to motion to approve sale of property, contact potential witness and review final reply.	2.4
479	6/24/2020	LAK	Review pleadings; offer brief comments re arguments re same.	0.4
480	6/24/2020	SLB	Review motion for Protective Order; briefly research issues and outline response brief.	1.5
481	6/24/2020	SLB	Work re finalizing Reply Memo; obtain additional declarations and SLB declaration exhibit. Review and finalized declaration and brief.	2.0
482	6/24/2020	CLS	File Reply in Probate case regarding Motion to Approve Sale of Property, along with Declarations of Sam Suznevich and Stephanie Bloomfield. Serve on all counsel.	0.4
483	6/24/2020	CLS	Prepare Declaration of real estate broker Sam Suznevich in support of probate Motion to Approve Sale of Bonney Lake Property.	0.4
484	6/24/2020	CLS	Arrange for CourtCall appearance at June 26, 2020 hearing in probate case regarding motion to approve sale of Bonney Lake property.	NC
485	6/24/2020	CLS	Prepare Declaration of Stephanie Bloomfield in reply to Personal Representative's Motion to Approve Sale of Bonney Lake property in probate action.	0.4
486	6/25/2020	SLB	Review and research claims of privilege by inactive lawyer and note lack of evidence to support claim (0.6); Review treatise/docs pulled by researcher to evaluate position and arguments (0.5); draft declaration (0.4); meet briefly with John to discuss research/drafting needed (0.2).	1.7



	Date	ID	Description	Time
487	6/25/2020	JMC	Review declaration of S Bloomfield and in preparation for strategy session re: response to motion for protective order (0.7). Review of legal authority (including John Ernst Lucken Revocable Trust and Beyer Laser Center) in preparation for said strategy session (0.6). Strategy call with S Bloomfield (0.2). Research authority and analyze opponent's motion/declaration (1.0). Research authority cited by opponent (3.1).	5.6
488	6/25/2020	CLS	Prepare Declaration of Stephanie Bloomfield in TEDRA action, in response to Amelia Besola's Motion for Protective Order regarding Kevin Curry.	0.6
489	6/25/2020	SMV	Locate cases and treatise materials RE inactive attorneys and attorney-client privilege.	0.8
490	6/26/2020	AHM	Attend court call and oral argument on motion for sale of Bonney Lake property and follow up to seek listing per court order.	1.6
491	6/26/2020	SLB	Review late 70 page filing by Amelia Besola (0.5); Prepare for oral argument (0.6); Attend Court Call hearing and argue motion (1.6).	2.7
492	6/26/2020	SLB	Follow up with potential expert Jennifer Piel.	0.2
493	6/26/2020	JMC	Research Motion in position of Protection order of Kevin Curry's testimony (2.2). Draft same (2.2).	4.4
494	6/28/2020	JMC	Draft Motion opposing protective order.	5.3
495	6/29/2020	AHM	Communications and review on reply re motion for alternate service on Curry.	0.5
496	6/29/2020	SLB	Review, edit and finalize reply (1.5):review and edit and finalize declaration (0.5).	2.0
497	6/29/2020	JMC	Draft Motion in opposition to protection order (3.5). Finalize Proposed Order (0.2) Review and finalize motion documents (0.1). Review and analyze response to our motion for alternative service to prepare reply (0.3). Research and draft reply (1.1).	5.2
498	6/29/2020	SMV	Conduct research RE attorney-client privilege and work-product doctrine issues.	0.6
499	6/30/2020	AHM	Review email from Curry re failure to produce documents and analyze and correspond internally re effect on deps.	0.2
500	6/30/2020	SLB	Review filings; prepare for expert meeting and send expert documents.	1.0
501	6/30/2020	JMC	Confer with A McNeely re: Reply to Motion for Alternative Service (0.2). Finalize reply and send for service (0.1).	0.3
502	7/1/2020	AHM	Short internal conference re deposition strategy necessitated by Kelley failure to respond to subpoenas.	0.2
503	7/1/2020	AHM	Brief review of documents for Pula dep prep.	0.3
504	7/1/2020	SLB	Confer with expert (0.5); follow up re exhibits and documents requested. Review CV and related materials provided (0.5).	1.0
505	7/1/2020	SLB	Begin drafting contempt motion re Kirk Kelley; review cases/statutes applicable.	1.7
506	7/2/2020	AHM	Review key documents related to Pula and timeline and prepare for deposition preparation of Pula as PR.	2.6
507	7/2/2020	AHM	Meet with Eric Pula to prepare for deposition, and brief internal follow up afterward.	2.4

	Date	ID	Description	Time
508	7/2/2020	AHM	Attend court call and oral argument on Amelia Curry motion for protective order and motion to serve Curry by mail.	2.0
509	7/2/2020	SLB	Confer with Andrea re Eric Pula deposition prep, key issues and evidence to review; address plan for next steps in light of court's rulings (0.3); review cases and evaluate options relative to constructive trust remedies (0.5).	0.8
510	7/2/2020	SLB	Draft correspondence to Karen Bertram re hearings and next steps with respect to discovery and Estate Assets.	0.2
511	7/2/2020	SLB	Review cases and reply materials in preparation for oral argument (0.5); attend via Court Call and wait for case to be called and argue motion for protective order and motion for alternative service(2.8); follow up re orders (0.2).	3.5
512	7/2/2020	SDH	Office meeting with Eric Pula. Prepare correspondence to Axos, Wells Fargo Home Mortgage, and US Bank enclosing July mortgage payments. Update accounting ledger. Review medical records.	3.8
513	7/6/2020	AHM	Meet with client travel to and defend nearly 8 hour deposition of Eric Pula, travel back brief internal conference.	8.9
514	7/6/2020	SLB	Complete Declaration re Contempt motion (0.7); research needed findings and draft proposed order incorporating findings and conclusions (0.8); draft correspondence to Kirk Kelley re motion for contempt (0.2); review tax returns 2016-2018 (0.3).	2.0
515	7/6/2020	SLB	Attend Eric Pula Deposition (partial attendance - brief interruptions for conference call on another case and to attend call on Besola matter with listing broker for Bonney Lake property.	6.0
516	7/6/2020	CLS	PROBATE - Prepare and send letter to counsel, forwarding signed Listing Agreement and realtor assessment for Hoquiam real property.	0.8
517	7/6/2020	CLS	TEDRA - Prepare Declaration of Stephanie Bloomfield in support of Motion for Contempt against Kirk Kelley; begin assembling Exhibits to Declaration.	0.5
518	7/6/2020	CLS	TEDRA - Process Amelia Besola's proposed Exhibits 1-32 for Eric Pula's July 6, 2020 deposition.	NC
519	7/6/2020	CLS	TEDRA - Finalize letter to Kirk Kelley. Coordinate service of process of letter to Kirk Kelley, along with Motion for Contempt, Declaration of Stephanie Bloomfield and Proposed Findings, Conclusions and Order.	0.6
520	7/6/2020	SDH	Travel to and from Smith Alling. Review medical records. Request additional medical records. Telephone conference with Smith Alling receptionist.	2.8
521	7/7/2020	LAK	Review order and draft brief memo to S. Bloomfield re possible estate stock issue.	0.4
522	7/7/2020	SLB	Follow up re deposition rescheduling; review and edit/finalize four notices of deposition (0.3); review and finalize letter and subpoena to be mailed to Kevin Curry and order to serve by mail (0.4).	0.7



	Date	ID	Description	Time
523	7/7/2020	SLB	Draft motion and declaration to serve Kirk Kelley by email (1.0); get update re service and email Kirk Kelley re dodging service (0.2); follow up with process server re attempted service re contempt and review report (0.3); draft amended answer and counterclaims to incorporate constructive trust theories and review documents to update additional facts revealed (2.0); Draft motion to amend and supporting declaration (0.8); Email to Kevin Branson re status of Pullman condo rental (0.2) follow up phone call with Branson and re letter from Pula re representation (0.3); review and respond to email from Kirk Kelley and update declaration to include Kelley's latest response (0.3).	5.1
524	7/7/2020	SDH	Email communication with Stephanie Bloomfield regarding client office visit. Text communication with client re the same.	0.2
525	7/7/2020	SDH	Review Amended dep notices. Update deposition index. Email communication to legal team re the same.	0.5
526	7/8/2020	AHM	Review status of upcoming depositions, and begin prepping for next week's deposition.	0.6
527	7/8/2020	AHM	Communicate with broker re court ordered listing of Bonney Lake property.	0.3
528	7/8/2020	LAK	Draft letter to banks re PR's identity.	0.4
529	7/8/2020	SLB	Review information re Pullman condo; follow up re listing Raymond residence; follow up re Thun Field hangar.	0.5
530	7/8/2020	SLB	Phone call with Tyler Shillito re discovery responses from Amelia.	0.2
531	7/8/2020	SLB	Review and edit Notice to Entire, notice to terminate tenancy and draft correspondence re Raymond Residence. Follow up with Listing Agent for information.	0.7
532	7/8/2020	SLB	Meet with Eric Pula to complete various estate business and review taxes/issues. (.3); brief phone call with Thompson re status and depositions (0.1).	0.4
533	7/8/2020	SLB	Review and finalize three motions for filing; in light of court's unavailability address edits/timing re contempt and motion to serve by mail.	1.0
534	7/8/2020	SLB	Phone call with Mark Besola's former attorney Thomas Gates (0.2); follow up correspondence re documents and recollection (0.3).	0.5
535	7/8/2020	CLS	PROBATE - Telephone conferences(3) with Margie Sampson, tenant of South Bend property, regarding scheduling of inspection.	0.5
536	7/8/2020	CLS	PROBATE - Prepare and send letter to South Bend tenants, forwarding invoice for August rent, Right to Enter, and Notice of Termination of Tenancy.	0.5
537	7/8/2020	CLS	PROBATE - Prepare and send letter to Security Bank, Centralia, requesting documentation.	0.5
538	7/8/2020	SDH	Prepare correspondence for client's signature.	0.2
539	7/8/2020	SDH	Email communication with Ms. Bloomfield re meeting with client.	0.1
540	7/8/2020	SDH	Prepare letter to Mr. Branson.	0.2
541	7/8/2020	SDH	Text communication with client.	0.1
542	7/9/2020	SLB	Follow up re Thun Field issues; review docs provided.	0.2
543	7/10/2020	LAK	Exchange emails with S. Bloomfield re real estate transactions.	0.2

	Date	ID	Description	Time
544	7/10/2020	CLS	PROBATE - Letter to South Bend tenants forwarding updated Notice to Enter regarding inspection by Monica Ayala on July 21, 2020.	0.3
545	7/10/2020	CLS	PROBATE - Correspondence to real estate agent Monica Ayala and to Margie Sampson, tenant of South Bend property, regarding the 07-21-20 inspection of the property.	0.2
546	7/10/2020	SDH	Draft correspondence to WSEC, DST Asset Manager, Dime Community Bank, and US Bancorp Fund Services. Text message to Mr. Pula.	0.9
547	7/12/2020	LAK	Review and revise letters drafted to four banks.	0.5
548	7/13/2020	AHM	Review Curry attorney correspondence and consider potential dep issues (.3), follow up with listing agent on Bonney Lake property (.2).	0.5
549	7/13/2020	LAK	Review documents from other parties; analyze and exchange emails re strategy re same.	0.6
550	7/13/2020	SLB	Review correspondence from Kevin Curry attorney and follow up; draft responsive correspondence (0.5); email to aligned counsel re Curry letter and response (0.3); review lease and related claims by Amelia (0.2).	1.0
551	7/13/2020	SDH	Office conference with Eric Pula. Mail tax preparation payment. Email communication to Mr. Branson.	1.6
552	7/14/2020	AHM	Reviewing key portions of Amelia discovery responses produced today in preparation for Robyn Peterson dep and drafting dep outline.	2.1
553	7/14/2020	AHM	Travel to Smith Alling for Robyn Peterson dep, wait for witness and travel back.	2.0
554	7/14/2020	AHM	Reviewing additional portions of discovery provided, conference with Stephanie about what is missing, work on drafting motion to compel and declaration in support.	4.2
555	7/14/2020	LAK	Analyze Perednia's actions; follow up discussion re same.	0.3
556	7/14/2020	SLB	Begin review of thousands of documents in latest production; follow up re issues with downloads/extractions; continue review of documents (4.0); Continue review while waiting for Robyn Peterson to appear, follow up re additional issues and motion practice; email opposing counsel re missing Kirk Kelley communications and texts; follow up re fact that Besola sisters have had Mark's cell phone from day one; continue review of documents and emails (3.8); and start on motion to compel re missing information and identify sanctionable conduct (2.0).	9.8
557	7/14/2020	CLS	TEDRA - Analyze and organize text messages received from Amelia Besola and combine chronologically into one document; forward to Stephanie Bloomfield.	0.6
558	7/14/2020	CLS	TEDRA - Receive and process documents produced by Amelia Besola in response to Personal Representative's discovery requests. Forward link to documents to Stephanie Bloomfield for review. Forward links to documents to counsel Elizabeth Thompson, Daniel Walk, and Karen Bertram.	2.2

	Date	ID	Description	Time
559	7/15/2020	AHM	Review recent discovery provided related to the Lake Tapps property, research landlord tenant law and issue notice to inspect necessitated by Amelia document references to hiding self-serving construction on Lake Tapps property.	1.6
560	7/15/2020	AHM	Updating research on motion to compel and declaration and review revise motion.	1.6
561	7/15/2020	SLB	Work to continue review of late produced documents and complete declarations, motion and related exhibits for filing motion to compel and motion for sanctions. Cross reference various statements by Amelia and texts and emails to contrary. Review plans for improvements and rental of Vacation unit re Lake Tapps Property and collusion with tenant and others. Finalize all documents for filing.	6.3
562	7/15/2020	SLB	Review additional documents produced by Amelia as motion was being filed. (1.0) Evaluate Kirk Kelley texts and other unrelated items (0.5); email Tyler re same; follow up correspondence (0.3). Address potential follow on motion re sham lease and need for computer forensic evaluation of native documents and phone (0.5). Correspondence with Joint Defense team re critical documents, potential follow up and next steps (0.3).	2.6
563	7/15/2020	CLS	TEDRA - Prepare Declaration of Stephanie Bloomfield in support of Motion to Compel and for Sanctions; assemble Exhibits.	1.5
564	7/15/2020	CLS	TEDRA - Draft Proposed Order Granting Motion to Compel and Awarding Fees and Sanctions.	0.4
565	7/15/2020	SDH	Telephone conference with client re inspection. Email communication with counsel re the same.	0.2
566	7/16/2020	SLB	Follow up re Mark Besola cell phone; contact computer forensics expert Allison Goodman re options/status (0.5); Draft discovery to Julia Besola (2.5); draft follow on discovery to Amelia Besola (1.0); continue review of documents and draft Subpoena Duces Tecum to Des Kolke and Richard Perednia (1.5); Continue to review and cross reference documents produced (1.0); Draft notice of site visit and review correspondence and follow up with Attorney for Kevin Curry re subpoena, document production and native version of Lease - review and note discrepancies (1.2).	7.7
567	7/16/2020	JMC	Review and analyze briefing and exhibits to prepare motion to invalidate the lease with Kevin Curry for the Lake Tapps house (2.0). Research relevant landlord-tenant, contract, and fraud authority(1.1).	3.1
568	7/16/2020	CLS	TEDRA - Prepare initial draft of Records Subpoena to A Small Animal Hospital.	0.2
569	7/16/2020	CLS	TEDRA - Forward Notice of Intent to Serve Records Subpoena on Richard Perednia and Desmond Kolke to all counsel.	0.2
570	7/16/2020	CLS	TEDRA - Prepare initial draft of Second Discovery Requests to Amelia Besola.	0.4
571	7/16/2020	CLS	TEDRA - Prepare initial draft of Personal Representative's first discovery requests to Julia Besola-Robinson.	0.5

	Date	ID	Description	Time
572	7/16/2020	CLS	TEDRA - Prepare initial draft of Records Subpoena directed to Richard W. Perednia and Notice of Intent to Serve Records Subpoena.	0.6
573	7/16/2020	CLS	TEDRA - Prepare initial draft of Records Subpoena to Jose Vera and Notice of Intent to Serve Records Subpoena on Jose Vera.	0.6
574	7/16/2020	CLS	TEDRA - Prepare initial draft of Records Subpoena to Desmond Kolke and Notice of Intent to Serve Records Subpoena on Desmond Kolke.	0.6
575	7/16/2020	SDH	Mail letters. Text communication with client. Review Stephanie Bloomfield's declaration.	NC
576	7/16/2020	SDH	Office meeting with client.	0.6
577	7/17/2020	AHM	Draft correspondence to opposing counsel, and review Correspondence from Kevin Curry's attorney and act on the same internally.	0.4
578	7/17/2020	SLB	Add additional request to discovery to Amelia and Julia; review, edit and finalize and approve for service (1.0); finalize subpoenas to Kolke and Perednia and approve notice letter to send (0.4).	1.4
579	7/17/2020	SLB	Follow up with counsel re cell phone and efforts made by Amelia forensic expert Karstetter to open/extract data with cellebright. Add to list of follow on discovery issues.	0.2
580	7/17/2020	CLS	TEDRA - Finalize and serve Personal Representative's Second Discovery Requests to Petitioner Amelia Besola.	0.4
581	7/17/2020	CLS	TEDRA - Receive and download 7-16-20 Texts received from counsel for Amelia Besola and send link to Stephanie Bloomfield.	0.3
582	7/17/2020	CLS	TEDRA - Communications with Nathan Neiman, attorney for Kevin Curry, requesting "native" format of Lease that was produced by Neiman on 07-17-20.	0.3
583	7/17/2020	CLS	TEDRA - Finalize and serve Personal Representative's Discovery Requests to Respondent Julia Besola-Robinson.	0.4
584	7/19/2020	JMC	Research authority re invalidation of sham lease (2.4). Draft legal argument section of motion to invalidate lease (0.7).	3.1
585	7/20/2020	AHM	Conference call w Bloomfield re pleadings to be filed and review/revise draft pleadings before filing.	0.6
586	7/20/2020	SLB	Continue work re documents and discovery. Look into options re subpoena or documents relating to various improper actions. Continue review of materials to supplement for court in reply; draft supplemental declaration to summarize status of production and related issues. Follow up re computer forensic issues and to review additional items still not provided in legible format.	6.0
587	7/20/2020	JMC	Draft legal authority section (2.1) Draft Motion to invalidate lease to Kevin Curry (6.3).	8.4
588	7/20/2020	CLS	TEDRA - Review and edit Supplemental Declaration of Stephanie Bloomfield in Support of Motion to Compel.	0.5
589	7/20/2020	SDH	Text communication with client. Email communication with Ms. Bloomfield.	0.2

	Date	ID	Description	Time
590	7/20/2020	SDH	Prepare Subpoena and Notice of Intent to Issue Subpoena to Sound Credit Union. Email communication with Ms. Bloomfield re the same.	0.8
591	7/21/2020	AHM	Review docs produced by Curry and select Curry docs produced by Amelia.	0.3
592	7/21/2020	SLB	Review motion to void lease; edit and review accompanying declaration. Check exhibits and identify two additional exhibits that are helpful. Review and update supporting declaration.	3.3
593	7/21/2020	SLB	Begin drafting reply re motion to amend (0.5); check underlying documents and review to identify needed exhibits (0.5) Complete reply memo and draft of declaration (1.5); review and updated cites to conform to revised exhibits (0.3).	2.8
594	7/21/2020	SLB	Draft reply in support of motion to compel (1.7); review correspondence to/from Shillito and follow up re phone data (0.2).	1.9
595	7/21/2020	JMC	Review and revise and finalize motion to invalidate lease (0.7). Confer with S Bloomfield (0.2). Review additional materials received yesterday (0.9). Draft Declaration of S Bloomfield (0.5). Draft Proposed Order (0.3).	2.6
596	7/21/2020	CLS	TEDRA - Prepare initial drafts of replies re 1) Motion to Amend Answer-Counterclaims; 2) Motion for Contempt against Kirk Kelley; 3) Motion to Serve Kirk Kelley by Mail; and 4) Motion to Compel re Amelia Besola.	0.3
597	7/21/2020	CLS	TEDRA - Prepare initial draft of Reply Declaration of Stephanie Bloomfield in support of Motion to Amend Answer-Counterclaims.	0.8
598	7/21/2020	CLS	TEDRA - Prepare initial draft of Declaration of Stephanie Bloomfield in support of Motion to Invalidate Lease with Kevin Curry. Prepare draft of Proposed Order Granting Motion to Invalidate Lease with Kevin Curry.	0.3
599	7/21/2020	CLS	TEDRA - Communication with CourtCall to arrange for appearance by Stephanie Bloomfield at July24, 2020 hearings.	NC
600	7/21/2020	CLS	TEDRA - Prepare initial draft of Supplemental Responses by Eric Pula to Amelia Besola's 1st discovery requests.	0.6
601	7/21/2020	CLS	TEDRA - Prepare initial draft of Third Discovery Requests to Amelia Besola.	0.6
602	7/21/2020	CLS	PROBATE AND TEDRA - Email a copy of Letters Testamentary to Brian Free, counsel for Gregory Lucas.	0.2
603	7/21/2020	CLS	TEDRA - Prepare initial draft of Second Discovery Requests to Julia Besola-Robinson.	0.3
604	7/22/2020	AHM	Work on various strategy issues and respond to Jose Vera regarding Lake Tapps house inspection.	0.9
605	7/22/2020	AHM	Travel to Lake Tapps home for landlord's inspection of potentially unpermitted repairs with client, photograph areas of the home, confer with client travel back.	3.1

	Date	ID	Description	Time
606	7/22/2020	SLB	Finalize and file 3 reply briefs and related declarations and materials (1.8.); follow up re plans for termination of tenancy and finalize additional motion re Kevin Curry Lease (2.0); Begin preparing for Amelia Besola dep - follow up re document organization and cellphone extraction(2.2).	6.0
607	7/22/2020	CLS	TEDRA - Prepare initial draft of Supplemental Declaration of Stephanie Bloomfield regarding Motion for Contempt Against Kirk Kelley.	0.3
608	7/22/2020	SDH	Travel to and from Lake Tapp homes.	1.0
609	7/22/2020	SDH	Inspect Lake Tapp homes.	2.0
610	7/22/2020	TLZ	Review and process production produced July 13 labeled Disclosure 4 for counsel to review.	0.4
611	7/22/2020	TLZ	Review and process production produced July 13 labeled Disclosure 3 for counsel to review.	1.6
612	7/22/2020	TLZ	Review and process production produced July 13 labeled Disclosure 2 for counsel to review.	0.7
613	7/22/2020	TLZ	Review and process production produced July 13 labeled Disclosure 5 for counsel to review.	0.3
614	7/22/2020	TLZ	Review and process production produced July 13 labeled Disclosure voicemails for counsel to review.	0.2
615	7/22/2020	TLZ	Review and process production produced July 13 labeled Disclosure videos for counsel to review.	0.2
616	7/22/2020	TLZ	Review and process production produced July 13 labeled Disclosure 1 for counsel to review.	0.2
617	7/22/2020	TLZ	Review, convert to pdf and process emails produced July 13 labeled Disclosure 1 for counsel to review.	2.1
618	7/23/2020	AHM	Review and cull photos from Lake Tapps Inspection and begin prep for Curry dep.	0.7
619	7/23/2020	SLB	Continue to review documents; pull items re Perednia and Kirk Kelley (2.0); follow up with CPA re communications with Amelia and continue evaluation of fraudulent activity by Amelia and/or Julia (0.8).	2.8
620	7/23/2020	SLB	Continue work re docs for expert review and tax documents (1.5); review Kirk Kelly filing (0.2); contact eDiscovery vendor to address priority and search terms on cell phone extraction (0.3).	2.0
621	7/23/2020	CLS	TEDRA - Update draft of Third Discovery Requests to Amelia Besola with an additional interrogatory and additional requests for production.	0.3
622	7/23/2020	TLZ	Compile July 15 and 17 production documents for service to co-counsel.	0.3
623	7/23/2020	TLZ	Complete view, convert to pdf and process emails produced July 13 labeled Disclosure 1 for counsel to review.	1.7
624	7/23/2020	TLZ	Compile July 13 production documents for service to co-counsel.	0.4
625	7/23/2020	TLZ	Review and process July 17 production documents from A Besola.	0.3
626	7/23/2020	TLZ	Review and process July 15 production documents from A Besola.	0.3
627	7/24/2020	AHM	Gather relevant documents and work on preparation for Curry deposition.	1.6



	Date	ID	Description	Time
628	7/24/2020	AHM	Telephone attendance at hearing on Motions to Compel Amelia Besola, Motion to Serve Kirk Kelley by mail, Motion for Contempt re Kirk Kelly, note taking, analyze dep strategy in light of timing of ordered production and draft revisions to proposed order.	1.7
629	7/24/2020	SLB	Appear via Court Call to await argument; argue four motions and prevail on all four (3.0); follow up communications with aligned counsel (0.2) draft order re Kirk Kelley per court's rulings (0.3); draft order per motion to compel per court's rulings (0.3).	3.8
630	7/24/2020	SLB	Review filings and outline in preparation for motion to compel (0.8); Review filings and prepare for motion for contempt (0.5); review filings and prepare for motion to amend (0.2).	1.5
631	7/24/2020	CLS	TEDRA - Correspondence with Judge Chushcoff's Court regarding proposed Findings and Order Granting Motion for Contempt Against Kirk Kelley, with copy to Kirk Kelley asking for dates-times during August 17-21 for rescheduled deposition.	0.5
632	7/24/2020	CLS	TEDRA - Forward proposed Orders Granting PR's Motion to Amend Answer-Counterclaims and Granting Alternative Service on Kirk Kelley to Court with copy to all counsel.	0.3
633	7/24/2020	CLS	TEDRA - Revise and finalize post-hearing version of Motion Granting Motion to Compel Discovery from Amelia Besola. Forward to Court with copy to all counsel.	0.5
634	7/24/2020	CLS	TEDRA - Coordinate with process server regarding service of Records Subpoena directed to Desmond Kolke.	0.5
635	7/24/2020	CLS	TEDRA - Prepare initial draft of Records Subpoena directed to Thun Field Condominiums Owners' Association.	0.3
636	7/24/2020	SDH	Review and organize photos from Home inspection.	1.6
637	7/24/2020	SDH	Telephone conference with CIOX re Medical Records request. Email communication to Stephanie Bloomfield re the same.	0.3
638	7/24/2020	TLZ	Download video received from opposing counsel.	0.7
639	7/24/2020	TLZ	Review and respond to call from co- counsel regarding production documents.	0.1
640	7/27/2020	AHM	Going through production documents and preparing for 'Kevin Curry deposition including email correspondence with Curry's attorney regarding deposition and production.	6.4
641	7/27/2020	SLB	Review and pull key Kevin Curry exhibits for Andrea (3.0); look at corporate records and UBI to see history of his businesses (0.5); pull XLS sheets re fake \$249K invoice created and backdated by Amelia re work never performed (0.4); follow up re history of Curry contractors bond and re additional phone search terms (0.3); follow up with Realtor re Hoquiam listing, add and full price cash offer and timing re court approval and review offer (0.7).	4.5
642	7/27/2020	CLS	TEDRA - Organize Jose Vera's and Elizabeth Thompson's proposed exhibits for deposition of Kevin Curry on 07-28-20.	0.8
643	7/27/2020	SDH	Complete Acknowledgment of Medical Record Request Processing Fee.	0.2
644	7/27/2020	TLZ	Compile, process and prepare exhibits for deposition of Curry, copies for counsel, opposing counsel, witness and court reporter.	3.6

	Date	ID	Description	Time
645	7/28/2020	AHM	Review documents produced this morning by Kevin Curry in preparation for Dep, finished up preparation and take deposition of Kevin Curry.	9.9
646	7/28/2020	LAK	Internal emailed discussion and brief research re arguments re PR's powers.	0.4
647	7/28/2020	SLB	Attend Kevin Curry deposition (3.0); While attending deposition via zoom remotely, take time away to review opposition to Motion to Invalidate lease and draft Reply Memorandum and declaration in support of motion (3.0); Interview Greg Lucas and draft declaration based on interview (1.5); debrief following deposition (0.3).	7.8
648	7/28/2020	TLZ	Review and respond to email from opposing counsel requesting deposition invite be resent.	0.1
649	7/28/2020	TLZ	Work with court reporter and exhibit tech to ensure effective use of exhibits provided.	0.8
650	7/28/2020	TLZ	Draft email to opposing counsel to serve copy of documents to be used at Curry deposition.	0.1
651	7/28/2020	TLZ	Process emails from Curry received due to subpoena.	0.6
652	7/29/2020	AHM	Review various emails regarding sale of property and revise (.3), Review status of Currie document production draft letter regarding same, review conditions of forensic exam, begin drafting a second amended subpoena (1.8).	2.1
653	7/29/2020	SLB	Follow up call/email with Burkhamer re back up issue; revise motion and declaration and finalize for filing.	0.6
654	7/29/2020	SLB	Review late filed declaration by Morgan; add exhibit to declaration ISO reply on Lease invalidation and add paragraph re late declaration; Edit motion to incorporate additional exhibit and address late declaration and finalize for filing.	1.5
655	7/29/2020	SLB	Review second offer and follow up with Sandy Burkhamer re approach (0.5); draft letter to counsel re proposed sale and seeking stipulation (0.3); draft motion and declaration to approve sale (2.0).	2.8
656	7/29/2020	DYPL	Telephone conference with Sincere Hankins regarding signing purchase and sale agreement and counteroffer; review documents and prepare for signature; email communication with Stephanie Bloomfield regarding FIRPTA; meet with Mr. Pula execute documents; forward executed documents to all.	0.9
657	7/29/2020	SDH	Prepare correspondence, Declaration of Records Custodian to Sound Credit Union. Email communication to Sarah Campbell re service.	1.0
658	7/29/2020	SDH	Update deposition index.	0.1
659	7/29/2020	SDH	Telephone conference with client. Email communication with Stephanie Bloomfield re Offer on Hoquiam property. Telephone conference with Denise Lowry re the same.	0.4
660	7/29/2020	TLZ	Reprocess email production from opposing counsel due to discrepancies found.	1.4
661	7/30/2020	AHM	Finalizing letter to Curry Counsel amended subpoena duces Tecum and conditions of examination and notice to vacate.	0.6



	Date	ID	Description	Time
662	7/30/2020	AHM	Preparing for oral argument on motion to invalidate Lake Tapps lease.	1.1
663	7/30/2020	SLB	Review third offer; follow up call with Burkhamer re offers/plan.	0.4
664	7/30/2020	SLB	Review 1,200 pages of medical records (UW and miscellaneous) for evaluation of time-related records for expert review. Follow up re Swedish records and Multicare records.	2.0
665	7/30/2020	SDH	Review Mark Besola's medical records from UW Medicine. Email re the same to Counsel.	1.6
666	7/30/2020	SDH	Mail estate mortgages. Update index.	0.7
667	7/30/2020	SDH	Complete Acknowledgment of Medical Records Request Processing Fee. Email the same to MultiCare.	0.2
668	7/30/2020	SDH	Complete Acknowledgment of Medical Record Process Fee form. Email the same to Multicare.	0.2
669	7/31/2020	AHM	Prepare for and successfully argue motion to invalidate lease and internal follow up back in office.	4.7
670	7/31/2020	SLB	Review correspondence from attorney for Kevin Curry and respond briefly (0.2); Continue preparation for cell phone analysis by identifying individuals to search/locate on cell phones (0.5); continue review and prepare for Amelia/Julia Besola Depositions (1.0); meet with client re latest offer and information about Swenson (0.3); follow up with eDiscovery re cell phone issues (0.3). Review and send cell phone protocol to Tyler (0.2).	2.5
671	7/31/2020	SDH	Travel to and from office to meet with Eric Pula to sign the 3rd Backup Offer re Hoquiam property. Email the same to real estate agent.	1.0
672	8/3/2020	AHM	Witness interview and follow up.	3.3
673	8/3/2020	SLB	Review Sound Credit Union records (0.5); review and finalize draft SDT to WSECU re Amelia's bank accounts (0.3); pull key records and highlight for use as deposition exhibits (0.4).	1.2
674	8/3/2020	SLB	Review recently produced video (1hr) while watching video verify information for searches of cell phones (0.8); follow up with Tyler Shillito re second phone still not produced and cell phone search parameters (0.4); review documents matrices and attempt to track with proposed exhibits for Amelia deposition (0.5); follow up call with Allison Goodman re information needed (0.6); follow up call with Tyler and edit send over revised cell phone protocol (0.2).	2.5
675	8/3/2020	SLB	Review Matrices provided and attempt to assess responsive documents in light of lack of Bates Numbering for over 10,000 pages. Follow up with paralegal re bates numbers and correlation to matrix.	0.8
676	8/3/2020	SLB	Long Interview with Kelly McGraw (2.2); follow up with notes and send to Chris to assemble statement (0.3).	2.5
677	8/3/2020	CLS	TEDRA - Draft Declaration of Kelly McGraw based on notes from Stephanie Bloomfield and Andrea McNeely.	0.8
678	8/3/2020	SDH	Draft Notice of Intent and subpoena to WSECU.	0.6

	Date	ID	Description	Time
679	8/3/2020	SDH	Text communication with client. Email communication with Stephanie Bloomfield and Andrea McNeely. Review, organize, bates label and index Sound Credit Union Bank records and highlight important documents for review.	3.0
680	8/4/2020	SLB	Attempt to work with download link from Amelia Besola counsel and follow up with staff and opposing counsel (0.2); review list of search terms and compare to production and update for forensic exam of phone (0.5); continue prep for Amelia deposition and review all previous sworn declarations by Amelia and Julia in preparation (1.2); review latest production from Amelia and evaluate additional follow up needed (0.7).	2.6
681	8/4/2020	SLB	Continue review of documents to gather and tag exhibits for Besola Sister depositions (1.6); review RFA's served by Amelia (0.2); follow up re order on sale of property (0.2); review various versions of tax returns for use as exhibits and identify appropriate excerpts to limit volume of documents(0.5).	2.5
682	8/4/2020	JMC	Call to prosecutor's office to find out how to get client's cell phone released (0.2). Call to assigned DPA to locate release (0.2). Compose email to S Bloomfield et al re: return of cell phone (0.1). Locate relevant incident records and provide to Pierce County Prosecutor's Office to locate cell phone for release to client (0.7). Email excerpts from .6, .15, and .30 to Prosecutor to locate both cell phones and clarify we are the executor of the estate (0.1). Confer with S Bloomfield by email to determine which phone is the correct one to obtain (0.3). Search documents to assess which cell phone we want to retrieve, confer with S Bloomfield re: same, and email prosecutor's office to clarify which phone is belonged to Mr. Besola. (0.5). Receive and respond to email from prosecutor regarding the release of the cell phone (0.1).	2.2
683	8/4/2020	CLS	TEDRA - Finalize initial draft of Declaration of Kelly McGraw.	0.7
684	8/4/2020	SDH	Attempt to download discovery from Mr. Shillito. Email communication with Ms. Bloomfield re the same.	0.2
685	8/4/2020	SDH	Organize discovery production produced by A. Besola.	2.7
686	8/5/2020	AHM	Review and respond to Multiple emails regarding Curry discovery, real estate sales, and subpoena responses.	0.9
687	8/5/2020	SLB	Review latest offer on house and respond; review order; email Realtor re counter/next steps.	0.5
688	8/5/2020	SLB	Complete review of additional tax records and designation of exhibits for Amelia Besola deposition; review numbered exhibits and identify any missing/additional items needed.	2.5
689	8/5/2020	JMC	Receive, read, and respond to email from DPA K Sanchez re: th release of the cell phone (0.2). Compose email to S Bloomfield re: why State is delaying the release of the phone (0.3).	0.5
690	8/5/2020	SDH	Download and organize discovery production from Tyler Shillito. Download documents from Allison Goodman. Email communication to Ms. Bloomfield re the same.	0.7

	Date	ID	Description	Time
691	8/5/2020	TLZ	Compile information for discovery matrix provided by opposing counsel.	2.7
692	8/6/2020	AHM	Review and respond in writing to report of burglary of subpoenaed materials and plan strategy to address.	1.7
693	8/6/2020	JMC	Confer with A McNeely re: response to claim of break in with security camera footage cut off and responsive stuff stolen (0.4). Contact South Sound 911 to obtain police report 20-21b-0094 (0.2).	0.6
694	8/6/2020	SDH	Telephone conference with CIOX regarding medical records from MultiCare.	0.3
695	8/6/2020	SDH	Travel to and from the office to meet with Mr. Pula. Obtain signature to Form 35R. Scan and email the same to Real State Agent.	1.0
696	8/6/2020	TLZ	Download and process Blue Water Acupuncture medical records received from JS&L.	0.2
697	8/6/2020	TLZ	Download and process Attaman medical records received from JS&L.	0.2
698	8/6/2020	TLZ	Download and process Anytime Fitness medical records received from JS&L.	0.2
699	8/6/2020	TLZ	Download and process South Sound Surgical medical records received from JS&L.	0.2
700	8/6/2020	TLZ	Call with CIOX and MultiCare related to records requested on multiple occasions, not received yet billed for.	0.5
701	8/6/2020	TLZ	Submit request to South Sound 911 to request CAD logs associated with incident number 2021600904.	0.1
702	8/6/2020	TLZ	Submit request to South Sound 911 to request 911 calls associated with incident number 2021600904.	0.1
703	8/6/2020	TLZ	Submit request to South Sound 911 to request all reports associated with incident number 2021600904.	0.1
704	8/6/2020	TLZ	Submit request to South Sound 911 to request radio traffic recordings associated with incident number 2021600904.	0.1
705	8/7/2020	AHM	Travel to home inspection of Lake Tapps home necessitated by Amelia renter Curry's claim of robbery of subpoenaed laptop and phone and Amelia claim of loss of \$300000 property in purported robbery, and internal follow up. No evidence of robbery viewed.	3.8
706	8/7/2020	AHM	Review and respond to emails re data collection.	0.3
707	8/7/2020	AHM	Draft subpoenaed to Lake Tapps house security camera system and review police report from purported robbery.	0.3
708	8/7/2020	AHM	Prep for and court call hearing re motion to approve sale of Hoquiam and Amelia cell phone exam.	1.2
709	8/7/2020	LAK	Review communications from bank, analyze same; email re same.	0.4
710	8/7/2020	JMC	Travel to 5314 218 Ave East, Lake Tapps, WA 98391 to conduct site visit with A McNeely (0.8). Conduct site visit to assess state of property in wake of K Curry's recent claim that discoverable items were stolen (0.9). Return travel from 5314 218 Ave East, Lake Tapps, WA 98391 (0.8). Call South Sound 911 to attempt to expedite police report of break in (0.2). Draft notes on site visit (0.4). Read and analyze police report 2021600904.1 (0.1).	3.2

	Date	ID	Description	Time
711	8/7/2020	SDH	Organize, review and index discovery from Tyler Shillito. Text communication with Mr. Pula re listing agreement. Email communication with Sandra Burkhamer regarding listing agreement. Email communication with Andrea McNeely and Stephanie Bloomfield regarding estate. Prepare Notice of Intent and Subpoena to White Security Systems, Inc. Travel to and from office to deliver estate property keys.	8.0
712	8/7/2020	TLZ	Download and process report from South Sound 911 related to burglary reported by Curry.	0.2
713	8/10/2020	JMC	Draft motion to compel re: Kirk Kelly (1.5). Draft Declaration re: motion to compel Kevin Curry (0.5).	2.0
714	8/10/2020	CLS	TEDRA - Receive and process documents produced by Todd Damish. Forward to Stephanie Bloomfield and Andrea McNeely.	0.4
715	8/10/2020	CLS	TEDRA - Coordinate process service of Records Subpoena on White Security Systems, Inc.	0.3
716	8/10/2020	SDH	Email communication with client. Email communication with Sandra Burkhamer re Form 35R. Telephone conference with Andrea McNeely re the same. Continue indexing discovery production.	2.4
717	8/10/2020	SDH	Prepare correspondence and Declaration of Record Custodians to White Security System, Inc. Email communication with Chris Scheall. Forward the same for service.	1.0
718	8/11/2020	AHM	Meet with client review various issues including real estate listings, internal follow up.	1.2
719	8/11/2020	AHM	Work with expert and internally regarding need for data collection due to Kevin Curry failure to respond to subpoena.	0.6
720	8/11/2020	AHM	Review and revise motion for sanctions due to Kirk Kelly's failure to respond to subpoena and to order of contempt.	0.8
721	8/11/2020	JMC	Read and analyze email from K Curry's attorney and send strategy emails re: same to S Bloomfield and A McNeely.	0.3
722	8/11/2020	CLS	TEDRA - Coordinate process service of Records Subpoena on Washington State Employees Credit Union.	0.3
723	8/11/2020	SDH	Text communication with client re appointment.	0.1
724	8/11/2020	SDH	Prepare correspondence and declaration of records custodian to WSECU. Ready documents for service.	0.7
725	8/11/2020	SDH	Email communication to Andrea McNeely regarding property documents.	0.2
726	8/11/2020	SDH	Telephone conference with Raymond of White Security System, Inc. Telephone conference with Andrea re the communication with Raymond.	0.8
727	8/11/2020	SDH	Review and save documents from client re Kevin Curry. Email and telephone communication with Andrea McNeely re the same.	0.7

	Date	ID	Description	Time
728	8/12/2020	JMC	Compose and send email to Kevin Curr's counsel to coordinate retrieval of the data Mr. Curry was ordered to produce (0.1). Read, analyze, and respond to email of Nathan Neiman re: cooperation of Mr. Curry (0.3). Telephone call to expert to coordinate conference call to allow Mr. Curry to transfer data to us (0.2). Read and analyze email from Kirk Kelley to confirm compliance with subpoena (0.2). Review and analyze production of Kirk Kelley (0.7).	1.5
729	8/12/2020	CLS	TEDRA - Receive and process documents received from Kirk Kelley in response to Records Subpoena pursuant to Court Order. Forward link to Daniel Walk and Elizabeth Thompson of documents produced, excluding videos. Begin compressing videos produced by Kirk Kelley for production on 08-13-20 and attempt to view them.	1.3
730	8/12/2020	SDH	Download discovery production re Amelia Besola's cell phone. Begin to convert and organize the same.	4.0
731	8/12/2020	TLZ	Review production documents from Shillito and update matrix with bates numbers ensuring that all records have been provided.	5.1
732	8/13/2020	SLB	Review motion to bifurcate and read rule/cases and draft outline for opposition and assign to John.	2.0
733	8/13/2020	JMC	Confer with IT person Jeff to confirm progress of download and archiving (0.1). Confer with S Bloomfield re: strategy for locating phone (0.1). Email K Curry's counsel directing him to not change passwords (0.1).	0.3
734	8/13/2020	JMC	Review and analyze Dr. A Besola's motion to bifurcate and draft reply by SLB (1.0). Telephone conference with K Curry and Jeff (IT expert) to recover email data (0.9). Call with Jeff Whitney to handle the email accounts and is preserving the whole thing to confer info (0.2). Read and analyze email from DPA Kara Sanchez re: decision not to release the phone to the Estate, develop plan of action, and convey plan to SLB and AM (0.2).	2.3
735	8/13/2020	CLS	TEDRA - Search emails produced by Amelia Besola for email from Jose Vera regarding wasting Pula's attorneys' time and resources and burn money and related items; forward to Stephanie Bloomfield.	0.8
736	8/13/2020	CLS	TEDRA - Continue compressing Videos produced by Kirk Kelley. Send Daniel Walk and Elizabeth Thompson link to Videos.	1.2
737	8/13/2020	SDH	Continue preparing Public Records requests to Pierce County, King County, Bonney Lake Police Department, and Thurston County for records relating to Amelia Besola, Lake Tapps Property, and Jimi Lee Hansen. Research Jimi Lee Hansen's vital statistic information for the requests.	2.6
738	8/13/2020	TLZ	Research production documents related to specific search terms related to incurring expenses for our client.	2.5
739	8/14/2020	JMC	Telephone call to Jeff, with forensic experts at Ediscovery to ask him to try to locate allegedly stolen phone and note any indications of spoliation of evidence.	0.1

	Date	ID	Description	Time
740	8/14/2020	CLS	TEDRA - Receive and review email from Kevin Curry regarding direct contact with Eric Pula. Email correspondence to Nathan Neiman, attorney for Kevin Curry, regarding prohibiting Kevin Curry from direct contact with Eric Pula.	0.3
741	8/15/2020	JMC	Review and edit Motion to Oppose bifurcation (2.9). Draft Declaration of S Bloomfield ISO Response to Motion to Bifurcate (0.6).	3.5
742	8/16/2020	SLB	Review Amelia Besola iphone production.	2.0
743	8/16/2020	SLB	Review draft of motion and search for additional necessary exhibits to reference/include.	1.0
744	8/16/2020	JMC	Edit finalized reply to plaintiff's motion to bifurcate.	0.3
745	8/17/2020	SLB	Review Julia discovery responses; attempt to download documents - nothing provided; update deposition outline to address additional information (0.8); Review Amelia's witness list (0.2).	1.0
746	8/17/2020	SLB	Continue review of over 800 texts MMS/SMS and related files (3.5) produced from Amelia's cell phone; complete preparation for Julia Besola deposition (2.0).	5.5
747	8/17/2020	SLB	Finalize opposition to motion to bifurcate, review and edit declaration; review and finalize order (1.9) review correspondence from Kirk Kelley re deposition scheduling and respond (0.1).	2.0
748	8/17/2020	CLS	TEDRA - Prepare Proposed Order Denying Amelia Besola's Motion to Bifurcate.	0.3
749	8/17/2020	CLS	TEDRA - Prepare exhibit binder for 08-18-20 deposition of Julia Besola-Robinson. Send link to deposition exhibits to counsel and to court reporter.	1.0
750	8/17/2020	CLS	TEDRA - Assemble exhibits to Declaration of Stephanie Bloomfield in Opposition to Amelia Besola's Motion to Bifurcate.	0.5
751	8/17/2020	SDH	Scan and save estate checks to file.	NC
752	8/17/2020	TLZ	Phone call and email to client regarding status of medical records.	0.1
753	8/17/2020	TLZ	Continue to review production documents (Disc. 2) from Shillito and update matrix with bates numbers ensuring that all records have been provided.	0.9
754	8/17/2020	TLZ	Continue to review production documents (Disc. 3) from Shillito and update matrix with bates numbers ensuring that all records have been provided.	2.1
755	8/18/2020	AHM	Review Kirk Kelley production and begin prep for Kelley Dep.	1.1
756	8/18/2020	AHM	Attend Julia Besola-Robinson Dep by zoom while reviewing discovery produced by Julia that morning, generate notes for follow up discovery and issues.	6.8
757	8/18/2020	AHM	Draft CR 26 correspondence to Julia Besola Robinson counsel regarding outstanding discovery and spoliation.	0.3
758	8/18/2020	SLB	Continue dep prep (1.0) review and edit outline to add text messages of note. Depose Julia Besola Robinson (during lunch break review briefly 700 pages of documents produced this morning by the witness to locate responsive emails testified about) (5.8) Follow up with Andrea re additional info not produced by Julia and next steps (0.2).	7.0



	Date	ID	Description	Time
759	8/18/2020	CLS	TEDRA - Send link of exhibits for Amelia Besola 08-19-20 deposition to counsel and court reporter.	NC
760	8/18/2020	CLS	TEDRA - Organize exhibits for 08-19-20 deposition of Amelia Besola. Prepare exhibits binders for deposition of Amelia Besola.	1.0
761	8/18/2020	SDH	Text communication with Eric Pula regarding depositions. Communication with Eric Pula and Andrea McNeely regarding estate checks.	0.6
762	8/18/2020	SDH	Telephone conference with Sandy Burkhamer regarding estate documents. Telephone conference with Jenni Williams of Pacific Title regarding the same. Email the Oath of Eric Pula and the Letters Testamentary to Ms. Williams. Email communication with Stephanie Bloomfield re the same.	0.7
763	8/18/2020	TLZ	Review text messages encrypted and reprocess for counsel review.	0.2
764	8/19/2020	AHM	Attend portions of deposition of Amelia Besola via zoom.	7.7
765	8/19/2020	AHM	Researching section for summary judgment motion.	1.5
766	8/19/2020	AHM	Drafting correspondence to Julia Besola regarding return of Fenix shares.	0.3
767	8/19/2020	SLB	Continue prep for Amelia Besola deposition; review documents and identify additional exhibits (1.0); depose Amelia Besola, during lunch break review yet additional documents produced during the deposition and briefly scan reply memo re motion to bifurcate, then return to deposition until adjournment at 5PM then briefly debrief with counsel and outline next steps re late discovery (8.0).	9.0
768	8/19/2020	JMC	Telephone conference to Jeff to check on status of recovery of info from Mr. Curry (0.1). Compose email to Andrea McNeely re: IT (0.2). Confer with A McNeely re: response (0.1). Respond to attorney of Kevin Curry re: subpoena obligations (0.1). Compose email to Jeff re: IT searches (0.2).	0.7
769	8/19/2020	CLS	TEDRA - Receive and bates label 08-18-20 document production from Amelia Besola; send link of documents produced to Stephanie Bloomfield and Andrea McNeely.	0.8
770	8/19/2020	CLS	TEDRA - Correspondence with Daniel Walk re rescheduling of Kirk Kelley deposition.	0.2
771	8/19/2020	SDH	Email communication with Jon Cummings regarding Allison Goodman.	0.1
772	8/19/2020	SDH	Review and process documents in response to Public Records Request. Forward the same to Stephanie Bloomfield. Scan and save invoices for client file.	0.6
773	8/19/2020	SDH	Text and telephone communication with Eric Pula regarding deposition.	0.2
774	8/19/2020	SDH	Download, organize, bates label and review medical records from MultiCare. Forward the same to Ms. Bloomfield and Ms. McNeely.	0.7
775	8/19/2020	TLZ	Prepare supplemental deposition exhibits for Amelia deposition.	0.7
776	8/20/2020	AHM	Reviewing and responding to various emails regarding depositions.	0.2
777	8/20/2020	AHM	Conference call regarding strategy and next steps, follow up internally.	0.9

	Date	ID	Description	Time
778	8/20/2020	SLB	Review additional materials filed in Reply, motion to strike and review cases for Bifurcation motion. Outline argument.	1.2
779	8/20/2020	SLB	Review correspondence from Neiman re Curry documents; review and cite deposition testimony contrary to Curry's current claims and respond to Neiman re same.	0.3
780	8/20/2020	SLB	Review and tab/mark 4,000 pages of Multicare Records re Mark Besola. (3.5) Phone call re next steps with Peterson and notarization; potential discovery motions (0.7).	4.2
781	8/20/2020	SDH	Review public records request response from Bonney Lake Police.	0.2
782	8/20/2020	TLZ	Review and respond to email from South Sound 911 regarding request for records.	0.1
783	8/21/2020	AHM	Correspondence in CR 26 conference scheduling regarding stock issue.	0.4
784	8/21/2020	AHM	Review and respond to correspondence regarding real estate.	0.3
785	8/21/2020	AHM	Correspondence with PR regarding real estate listings.	0.3
786	8/21/2020	JMC	Email to Prosecutor to attempt to get data stored on Mark Besola's phone.	0.2
787	8/21/2020	SDH	Download, organize, and review documents in response to Public Records Requests. Forward the same to Ms. Bloomfield.	1.3
788	8/21/2020	SDH	Prepare subpoena and notice of intent to Verizon.	0.6
789	8/21/2020	TLZ	Upload discovery production document to Logikcull for counsel to review.	5.9
790	8/21/2020	TLZ	Compile, process and format discovery production documents for upload to Logikcull.	2.1
791	8/24/2020	SLB	Follow up re motion to release phone and correspondence with prosecutor's office/motion (0.4); follow up re medical records (0.2); review LocikCull upload and search for docs referenced by Gunwall's counsel and assess potential for use at Amelia Besola deposition continuation (0.7).	1.3
792	8/24/2020	SLB	Review and follow up re exhibits from depositions; work with Tracie re Logikull database and email aligned counsel re plans for database of productions.	0.4
793	8/24/2020	JMC	Research and draft motion for release of phone (2.7). Draft public records request (0.1). Compose strategy email to S Bloomfield and A McNeely re: how to proceed with motion to release cell phone (0.2). Draft declaration in support of motion re: Spoliation by Kevin Curry (0.2). Prepare Motion and provide to DPA (0.5). Telephone call to Lisa Wagner per away message of DPA Kara Sanchez (0.2). Draft email to L Wagner forwarding motion to her (0.1). Compose and send strategy email to S Bloomfield and A McNeely (0.1).	4.1
794	8/24/2020	TLZ	Work with Logikcull CS to revise production due to issues with documents not searchable.	1.0
795	8/24/2020	TLZ	Create user profiles for co-counsel to provide access to Logikcull.	0.2
796	8/24/2020	TLZ	Compile, process and format witness production documents for upload to Logikcull.	1.4
797	8/24/2020	TLZ	Compile and upload discovery production witness to Logikcull for counsel to review.	3.2



	Date	ID	Description	Time
798	8/25/2020	AHM	CR 26 call on various issues with Quentin Wildsmith and internal follow up.	0.5
799	8/25/2020	SLB	Review production by Des Kolke in response to SDT: flag texts confirming property stolen before Jimi Hansen left in September 2018, Mark buying a rifle; Mark's state of mind (0.8). Follow up re client meeting and sale of real property; draft correspondence to PR re status (0.5); identify additional issues re Julia deposition and improper assertion of privilege and follow up with AHM re call with Quentin and potential next steps (0.3).	1.6
800	8/25/2020	JMC	Compose email to DPA Wagner to inform her we do not have the password, so we will need the release of the phone.	0.1
801	8/25/2020	CLS	TEDRA - Receive and process security videos received from Kevin Curry pursuant to Subpoena; send link to Stephanie Bloomfield, Andrea McNeely and John Cummings.	0.6
802	8/25/2020	CLS	TEDRA - Draft letter to Banner Bank addressing previous objections to Records Subpoena and withdrawal of same.	0.3
803	8/25/2020	SDH	Prepare medical summary log. Telephone conference with Swedish Medical Center regarding medical records. Telephone message to Providence St. Peters Hospital records department. Email communication to Tracie Zumach and Stephanie Bloomfield regarding Besola medical records. Email Swedish medical center regarding missing records.	1.6
804	8/25/2020	TLZ	Draft request for records to obtain medical records related to Dr. Khan.	0.1
805	8/26/2020	SLB	Review Amelia dep transcript (first 130 pages and pull sections likely useful for MSJ; note additional areas for follow up).	2.7
806	8/26/2020	TLZ	Prepare medical records for upload to Logikcull.	0.6
807	8/26/2020	TLZ	Compile medical record log of all records requested and received.	1.2
808	8/27/2020	AHM	Review outline and materials produced today and attend Amelia Besola Dep.	4.5
809	8/27/2020	AHM	Meet with Eric Pula.	0.6
810	8/27/2020	AHM	Meet with counsel for other heirs to coordinate next steps.	1.2
811	8/27/2020	SLB	Prepare for dep and identify three additional exhibits (0.8); Attend Amelia Besola Deposition (4.5) Brief follow up re additional items withheld and next steps (0.5); follow up re real estate documents (0.2)	6.0
812	8/27/2020	CLS	TEDRA - Receive and process additional document production from Amelia Besola of videos and photographs of Lake Tapps residence, CAD Incident Reports and WSECU records.	0.8
813	8/27/2020	CLS	PROIBATE - Meeting with Eric Pula, Andrea McNeely, and Elizabeth Thompson to sign closing documents for sale of Hoquiam property. Forward signed Hoquiam sale documents to Jennifer	1.0
814	8/28/2020	AHM	Follow up on order and sale re Bonney Lake and Grays Harbor properties.	0.6

	Date	ID	Description	Time
815	8/28/2020	SLB	Continue review of Meth-related records and Covell documents; note missing pages re Exhibit 8 re psychosexual report and follow up message re same. Note missing Exhibit O and request and attempt to verify amount spent for Van deficit per Amelia.	1.2
816	8/28/2020	SLB	Draft correspondence to opposing counsel re additional phones withheld and Subpoena for phone records.	0.2
817	8/28/2020	CLS	PROBATE - Correspondence to Stuart Morgan, attorney for Amelia Besola, regarding missing Exhibit O to May 26. 2020 Accounting.	0.2
818	8/28/2020	TLZ	Discuss with realtor regarding closing on Grays Harbor residence and buyer wanting to have entry prior to closing.	0.2
819	8/28/2020	TLZ	Continue to review production documents from Shillito and update matrix with bates numbers ensuring that all records have been provided.	1.5
820	8/31/2020	AHM	Review Kirk Kelley documents produced today and work on deposition prep.	6.9
821	8/31/2020	AHM	Reviewing documents related to Kirk Kelley dep.	1.0
822	8/31/2020	SLB	Continue to work re facts section of MSJ: phone call with Andrea re Kirk Kelley dep.	2.0
823	8/31/2020	SLB	Review Perednia documents and email counsel re missing items and privilege claims (1.0); Phone call with counsel re discovery issues and follow up email (0.3); Continue review of documents and late production by Kirk Kelley (1.0).	2.3
824	8/31/2020	SLB	Review correspondence from Kirk Kelley and additional document production; review correspondence from Raymond agent and respond re tenant purchase; return tenant call re options.	0.4
825	8/31/2020	SLB	Review additional Kirk Kelley production and flag critical information; send email to Kelley to follow up on some missing documents.	1.0
826	8/31/2020	CLS	TEDRA - Correspondence to John Schedler requesting that Dr. Christmas Covell Report not be produced to any other person.	0.1
827	8/31/2020	TLZ	Draft email to opposing counsel to provide copies of documents to be used at Kirk Kelly Deposition.	0.1
828	8/31/2020	TLZ	Draft email to court reporter to provide copies of documents to be used at Kirk Kelly Deposition.	0.1
829	8/31/2020	TLZ	Download and process 15 files from Kirk Kelly for counsel to review.	0.8
830	8/31/2020	TLZ	Compile and prepare records from Kirk Kelly and upload to Logikcull for research purposes.	1.3
831	8/31/2020	TLZ	Compile and prepare 27 documents to be used as exhibits for the Kirk Kelly deposition.	2.2
832	9/1/2020	AHM	Internal follow up from Kelley Dep.	0.3
833	9/1/2020	AHM	Finalize preparation for Kelley Dep and take Kelley dep.	7.9
834	9/1/2020	SLB	Attend Kirk Kelley deposition (partial day).	2.5
835	9/1/2020	JMC	Travel to County Courthouse to retrieve cell phone, retrieve same, bring to GTH (0.8). Confer with A McNeely and. Request C Scheall coordinate delivery of phone to IT analyst (0.2). Research and draft motion for replevin of stock and accompanying declaration (2.1).	3.1
836	9/1/2020	TLZ	Draft email to Kirk Kelly to serve deposition documents.	0.1

	Date	ID	Description	Time
837	9/1/2020	TLZ	Compile and prepare documents from Shilito received on August 31 for upload to Logikcull for counsel to review.	0.2
838	9/1/2020	TLZ	Draft email to court reporter to provide additional deposition documents.	0.1
839	9/1/2020	TLZ	Compile and prepare additional records to be used at Kirk Kelley deposition.	0.4
840	9/1/2020	TLZ	Draft email to opposing counsel to serve additional deposition documents.	0.1
841	9/2/2020	SLB	Review documents produced by Morgan and respond (0.3); follow up re deposition issues (0.3).	0.6
842	9/2/2020	SDH	Prepare correspondence and mail checks to Axos Bank, US Bank, and Wells Fargo Home Mortgage.	1.4
843	9/3/2020	CLS	TEDRA - Finalize Notice of Continuation Deposition of Amelia Besola for September 24, 2020.	NC
844	9/3/2020	TLZ	Call with manager at CIOX regarding past due invoice that was to be credited as billed in error.	0.2
845	9/3/2020	TLZ	Review all medical records received culling out the records between January 1, 2017 and current date in preparation of producing to opposing counsel.	1.2
846	9/3/2020	TLZ	Multiple emails with CIOX regarding MultiCare invoices and records received.	0.2
847	9/4/2020	SLB	Research UCC article 8 applicability to issues surrounding stock transfer (1.3); revise and update motion to incorporate (0.5).	1.8
848	9/4/2020	SLB	Confer with Travis re order language (0.3) and outline bare bones findings (0.2); follow up re missing stock documents and send correspondence re discovery call with Opposing parties' counsel (0.4).	0.9
849	9/4/2020	SLB	Review and revise motion re return of stock; research applicable statutes; redraft declaration and identify dep testimony and exhibits supporting argument.	2.2
850	9/4/2020	TAM	Call with Stephanie to discuss language for order re stock transfer.	0.3
851	9/8/2020	SLB	Phone call with counsel to discuss discovery issues and follow up correspondence.	0.6
852	9/8/2020	SDH	Download and organize documents from WSECU.	0.4
853	9/8/2020	TLZ	Draft email to opposing counsel related to medical records for Mr. Besola.	0.1
854	9/8/2020	TLZ	Prepare medical records for service to opposing counsel.	0.1
855	9/9/2020	AHM	Review various emails and outline for CR 26 Conference follow up re Julia's production.	0.2
856	9/9/2020	SLB	Continue revisions to summary judgment and begin pulling exhibits needed (4.0); draft declaration of Lucas and identify related exhibits (1.2); draft declaration of Gates and pull related exhibits (0.8); continue to add exhibits referenced and incorporate into supporting declaration - search for emails relating to partnership dispute and discord among Mark and siblings (0.5); research issues re fraud claims and update legal analysis in this section (1.0).	7.5

	Date	ID	Description	Time
857	9/9/2020	TAM	Review of language from Stephanie. Review documents provided and status of transaction. Revise order language.	0.6
858	9/9/2020	SDH	Locate documents from White Security Systems. Forward documents in response to records subpoena to Stephanie Bloomfield.	0.3
859	9/9/2020	SDH	Text communications to client.	0.3
860	9/9/2020	SDH	Review, bates label, and index WSECU Bank Records in response to records subpoena.	3.7
861	9/9/2020	TLZ	Work on reviewing disclosure 4 of documents produced by Shilito updating matrix with bates numbers for counsel review.	1.7
862	9/9/2020	TLZ	Review and prepare Hazelden production records for upload to Logikcull.	0.2
863	9/9/2020	TLZ	Upload Hazelden medical records to Logikcull for counsel to review.	0.3
864	9/10/2020	SLB	Continue final edit, and update brief with factual cites, exhibits and detailed quotes where needed.	2.2
865	9/10/2020	SLB	Review Pula and Garret Depositions and add citations (1.5); review Julia and Amelia declarations and add citations to motion (1.2).	2.7
866	9/10/2020	SDH	Locate and organize exhibits for Stephanie Bloomfield declaration.	0.9
867	9/10/2020	SDH	Text communication with client to discuss client availability to meet with attorneys.	0.2
868	9/10/2020	TLZ	Complete review of disclosures of documents produced by Shilito updating matrix with bates numbers for counsel review.	0.5
869	9/11/2020	AHM	Discovery conference with Quentin Wildsmith regarding Julia documents related to Phoenix stock and sale.	0.2
870	9/11/2020	AHM	Follow up with Realtor on Bonney Lake property.	0.3
871	9/11/2020	AHM	Internal follow up on real property information needed for Eric.	0.2
872	9/11/2020	SLB	Follow up correspondence with Wildsmith re claimed conflict; repeated requests for information for claimed "all morning hearing conflict" ignored.	0.3
873	9/11/2020	SLB	Review suggested language from Travis and incorporate in motion and order re Stock.	0.3
874	9/11/2020	SDH	Draft PR's Disclosure of Primary Witnesses.	3.7
875	9/11/2020	SDH	Telephone conference with Sandra Burkhamer regarding funds from the sell of the Hoquiam property. Telephone conference with Jennie from Pacific Title Company regarding payment and the final documents from the sale of the Hoquiam property. Prepare email to Stephanie Bloomfield re the same.	0.7
876	9/11/2020	TLZ	Research King County Superior Court for attorney hearing schedules due to opposing counsel conflict due to hearing.	0.3
877	9/11/2020	TLZ	Upload documents from opposing counsel to Logikcull for counsel review.	0.3
878	9/11/2020	TLZ	Download and prepare documents from opposing counsel for upload to Logikcull.	0.5
879	9/14/2020	AHM	Call with attorney re subpoena to 2013 psychologist of Mark Besola, search emails for service of notice of intent to serve, follow up re failure of Amelia Besola to give notice of intent to serve subpoena.	0.6

	Date	ID	Description	Time
880	9/14/2020	SLB	Review additional documents produced by Amelia Besola and attempt to piece together stock transaction issues (1.2); update motion and declaration to add additional exhibit (0.5); draft order(0.5).	2.2
881	9/14/2020	SLB	Work re witness list; review police report and other docs to search for info re witnesses (1.8); follow up re threatened subpoenas re privileged issues (0.3); review email from witness Greg Lucas and attachment (0.3) review updated witness affidavit re will (0.1).	2.5
882	9/14/2020	TLZ	Upload supplemental disclosures for counsel review.	0.2
883	9/14/2020	TLZ	Download supplemental disclosures from opposing consul and prepare for upload to Logikcull.	0.3
884	9/15/2020	AHM	Coordinating on various issues to prepare for meeting with client tomorrow.	0.3
885	9/15/2020	AHM	Attend portion of Kelly McGraw dep.	1.6
886	9/15/2020	SLB	Attend Kelly McGraw deposition (5.8); short debrief after dep re experts and Realtors (0.4); review and finalize summary judgment motion (0.8).	7.0
887	9/15/2020	SLB	Review declarations from Gates and Lucas and confirm (0.2); follow up re protective order issues(0.2) follow up re SJ scheduling and finalizing motions (0.2).	0.6
888	9/15/2020	JMC	Retrieve Public Records Request form Prosecutor's Office.	0.1
889	9/15/2020	JMC	Draft declaration re: spoliation by Curry.	1.6
890	9/15/2020	CLS	TEDRA - Prepare initial draft of Findings, Conclusion and Order re Motion for Return of Stock.	0.3
891	9/15/2020	SDH	Text communication with Eric Pula regarding blocked account. Email communication to counsel re the same.	0.3
892	9/16/2020	AHM	Meet with Eric Pula and follow up with Pula afterward regarding real estate issues.	1.0
893	9/16/2020	SDH	Office conference with Eric Pula and Andrea McNeely.	0.7
894	9/17/2020	LAK	Review check; check in with S. Hankins re payment of mortgages.	0.2
895	9/17/2020	SDH	Email communication to Jenny at Pacific Title and Escrow. Email communications with Andrea McNeely regarding estate property documents.	0.3
896	9/18/2020	AHM	Review pictures of safe sent by Jose Vera, send same to Eric Pula and conference call re same.	0.4
897	9/18/2020	AHM	Review letter from Amelia attorney re Lake Tapps house. Review status of file and insurance and mortgage and coordinate realtor visit to house and then draft correspondence back re same.	1.2
898	9/18/2020	AHM	Meet with Eric and potential realtor re Lake Tapps House and follow up internally.	0.7
899	9/18/2020	LAK	Review letter from T. Shillito re Amelia's continuing to represent herself as PR to US Bank; review payment history for estate mortgages and estate's ability to pay same.	0.5

	Date	ID	Description	Time
900	9/18/2020	SLB	Review correspondence from Amelia attorneys re Amber Allen, review photographs; discuss Lake Tapps listing with Andrea/Eric and evaluate agent (0.6); review Banner Bank documents and add multiple exemplars from Banner Bank documents to comparisons (1.0); follow up research re handwriting experts, admissibility and related issues (1.7); draft correspondence to aligned counsel re consultants and related analysis (0.3).	3.6
901	9/18/2020	SDH	Telephone conference with Banner Bank. Download records and label the same. Email communication to legal team regarding documents.	1.6
902	9/18/2020	SDH	Email communication to opposing counsel regarding White Security System.	0.2
903	9/18/2020	SDH	Email communication with counsel regarding estate mortgages, insurances. Text communication with client.	4.5
904	9/18/2020	TLZ	Draft amended Hi-Tech request to Dr. Khan to request medical records.	0.1
905	9/18/2020	SMV	Index documents produced in response to subpoena.	4.0
906	9/21/2020	SLB	Follow up with Expert re signatures and draft declaration.	0.8
907	9/21/2020	SLB	Review additional documents produced by Amelia and pull additional exemplars to email to expert.	1.8
908	9/21/2020	SLB	Review email from Jose re title company documents and review emails and respond.	0.2
909	9/21/2020	SLB	Phone call with handwriting experts; email documents for preliminary review by expert and follow up.	0.5
910	9/21/2020	CLS	PROBATE - Prepare initial drafts of Motion to Approval Partial Payment of Personal Representative Fees and Costs and Declaration of Andrea McNeely in support of motion.	0.4
911	9/21/2020	CLS	TEDRA – Arrange for transfer of Mark Besola cell phone received from law enforcement to eDiscovery for forensic extraction and analysis.	0.3
912	9/22/2020	AHM	Review respondents' oppositions to PR's Motion for Return of Stock, research and draft sections of reply.	4.2
913	9/22/2020	AHM	Review certain exhibits to Gunwall declaration and internal emails re same.	0.3
914	9/22/2020	AHM	Attend portion of Brandon Gunwall deposition via zoom to evaluate witness and key party.	1.5
915	9/22/2020	SLB	Review and summarize Amelia Dep Vol 2 (1.2) ; follow up re various issues with missing information from forensic expert (0.5); attend deposition of Brandon Gunwall during lunch break review opposition to motion re stock and assign/notes issues (6.5).	8.2
916	9/22/2020	SLB	Draft section of Reply Memo re motion to strike and fee request.	1.0
917	9/23/2020	AHM	Finish drafting sections of reply, review and finalize along with them to expert for review. Draft email and evaluate edits to declaration.	1.9
918	9/23/2020	AHM	Zoom call with counsel for Gunwall and McGraw to discuss deposition management.	0.5



	Date	ID	Description	Time
919	9/23/2020	SLB	Review commentary from expert and review and identify additional items of relevance and provide them to expert for review. Draft email and evaluate edits to declaration.	1.1
920	9/23/2020	SLB	Draft Reply Dec (McNeely) and identify exhibits (0.7); review and finalize reply memo (0.6); review Morgan declaration which omits five paragraphs and fails to attach referenced correspondence -review file and pull accurate correspondence and draft SLB reply dec to address continued discovery by Amelia/Julia while some counsel claim "unavailability". (0.5).	1.8
921	9/23/2020	SLB	Repeated communications with paralegal re site visit with Realtor and additional property of Estate stolen by Amelia (0.6); Phone call with aligned counsel to discuss plan for concluding Amelia Besola deposition (0.5); Follow up re information regarding additional estate property removed by Amelia(0.2); review multiple SDTs to providers dating back to 2007 and draft email objecting (0.3).	1.6
922	9/23/2020	SLB	Continue review of Amelia deposition testimony to evaluate need for additional follow up on previous matters and ensure that questions will not duplicate others; complete volume II dep summary for use in motions/deps/trial prep.	1.5
923	9/23/2020	CLS	TEDRA - Prepare and send letter to MultiCare-Good Samaritan Hospital objecting to Amelia Besola Records Subpoena.	0.3
924	9/23/2020	CLS	TEDRA - Prepare and send letter to Swedish Medical Group Primary and Specialty Care Clinics objecting to Amelia Besola Records Subpoena.	0.3
925	9/23/2020	CLS	TEDRA - Prepare and send letter to Swedish Medical Center objecting to Amelia Besola Records Subpoena.	0.3
926	9/23/2020	CLS	TEDRA - Email to Tyler Shillito, attorney for Amelia Besola, regarding scheduling CR 26 conference to discuss medical records subpoenas and objections thereto.	0.2
927	9/23/2020	CLS	TEDRA - Prepare and serve Records Subpoena on Amber Allen.	0.4
928	9/23/2020	CLS	Travel to and from Lake Tapps property for inspection with real estate agent, Bo Villacis. Update Stephanie Bloomfield and Andrea McNeely on discussions with tenant Kevin Curry.	3.0
929	9/23/2020	CLS	TEDRA - Prepare initial draft of Reply Declaration of Andrea McNeely re Motion to Recover Stock; assemble exhibits.	0.3
930	9/23/2020	CLS	TEDRA - Prepare initial draft of Reply Declaration of Stephanie Bloomfield re Motion to Recover Stock.	0.2
931	9/23/2020	SDH	Text communications with Eric Pula. Email to legal team regarding the same.	0.2
932	9/23/2020	SDH	Communicate with legal staff regarding Lake Tapps property. Email Kevin Curry issues with Stephanie Bloomfield and Andrea McNeely.	0.8
933	9/24/2020	AHM	Review of emails re Amelia dep and brief conference call with Stephanie re dep testimony and next steps.	0.4
934	9/24/2020	AHM	Begin preparation for oral argument on Motion for Return of Phoenix shares.	0.4

	Date	ID	Description	Time
935	9/24/2020	SLB	Prepare for deposition (1.0) attend third day of Amelia Besola Deposition; follow up over lunch hour re court intervention and Realtor visit (5.5); review additional docs and verizon production issues; complete deposition and follow up debrief with Andrea and other counsel re discovery (0.3).	6.8
936	9/24/2020	SDH	Meeting with Eric Pula.	0.6
937	9/24/2020	SDH	Follow-up communication to Pierce County Sheriff's public records request department re missing transcript. Download and forward Eric Pula statement to Stephanie Bloomfield.	0.4
938	9/25/2020	AHM	Review portions of Amelia transcript and Phoenix documents for afternoon argument on language of the order on motion for return of stock, successfully argue order and send Julia's counsel email regarding return of order.	3.1
939	9/25/2020	AHM	Brief conversation with listing agent, review of Lake Tapps listing agreement and forward same to Eric Pula.	0.4
940	9/25/2020	AHM	Finish preparing for argument on motion for return of stock, argue motion.	4.4
941	9/25/2020	SLB	Review McGraw/Pula MSJ to ensure cohesion and no waiver on any key issues; follow up with Elizabeth re comments.	0.5
942	9/26/2020	AHM	Review status of Bonney Lake listing order and timing and email re same.	0.2
943	9/28/2020	AHM	Review proposed order on sale of Bonney Lake and follow up with realtors.	0.3
944	9/28/2020	SLB	Review and edit additional language re proposed order and evaluate whether the motion should include report from Real Estate professional.	0.6
945	9/28/2020	SDH	Prepare background check for Amber Allen and Todd White. Email results to Stephanie Bloomfield.	0.4
946	9/29/2020	AHM	Review and respond to various emails regarding sale of Bonney Lake and Lake Tapps properties.	0.4
947	9/29/2020	SLB	Follow up re listing issue with Lake Tapps house and status of Bonney Lake property (0.3); prepare for Amber Allen Deposition (2.8).	3.1
948	9/29/2020	SDH	Text and telephone communication with Eric Pula. Email communication with Andrea McNeely regarding Lake Tapps property.	0.5
949	9/29/2020	SMV	Conduct a name search for King County cases; retrieve a docket sheet and court documents.	0.5
950	9/30/2020	AHM	Begin motion for contempt.	0.4
951	9/30/2020	AHM	Attend portions of Amber Allen deposition in the afternoon.	2.8
952	9/30/2020	AHM	Attend portions of Amber Allen deposition noted by Amelia Besola.	2.1
953	9/30/2020	LAK	Conference with S. Hankins re B of A account; status of probate issues.	0.4



	Date	ID	Description	Time
954	9/30/2020	SLB	Complete preparation for Allen dep; review court filings and bankruptcy records and felony issues(0.9); attend Amber Allen deposition; during break review multiple video exhibits and identify illegally recorded video of Eric/Andrea and complete deposition (6.2); debrief after re next steps re illegal recording and discovery (0.3); review letter from Shillito re discovery issues (0.2).	7.6
955	9/30/2020	CLS	TEDRA - Forward Records Subpoena directed to Amber Allen and Declaration of Service of Records Subpoena to court reporter for use at 09-30-20 Deposition.	0.1
956	9/30/2020	SDH	Office conference with Lisa Kremer to discuss estate Mortgage accounts.	0.6
957	9/30/2020	SDH	Office conference with Andrea McNeely.	0.2
958	9/30/2020	SDH	Telephone conference with MediCopy regarding password. Download and bates label Mark Besola medical records.	0.6
959	9/30/2020	SDH	Send executed Sale and Listing Agreement to Realtor.	0.2
960	9/30/2020	SDH	Prepare mortgage payments to Wells Fargo Mortgage and Axos Bank and mail. Prepare correspondence to US Bank enclosing mortgage payment. Mail the same.	0.7
961	9/30/2020	SDH	Telephone conference with T Mobile regarding copy fees.	0.2
962	9/30/2020	TLZ	Draft email to opposing counsel to provide medical records received from Dr. Khan.	0.1
963	9/30/2020	TLZ	Upload Dr. Khan medical records to Logikcull for counsel review.	0.2
964	9/30/2020	TLZ	Download and process tagged documents related to Amber Allen for counsel review.	0.3
965	9/30/2020	TLZ	Review and cull 2017 and 2018 medical and billing records from Dr. Kahn and prepare to send to opposing counsel.	0.4
966	10/1/2020	SLB	Review various stock documents to ascertain contacts and draft correspondence to Phoenix to enforce court's order returning \$1M in stock to the Estate.	0.8
967	10/1/2020	SLB	Review email re return of stock and follow up with counsel to confirm; draft response to Tyler Shillito re list of outstanding discovery issues.	1.1
968	10/1/2020	JMC	Confer with S Bloomfield re: psychosexual evaluations (0.1). Research psychosexual evaluation statutes and send to S Bloomfield for review and analysis (0.3).	0.4
969	10/2/2020	TLZ	Prepare Production from Rc Schwartz requested by subpoena for upload to Logikcull.	0.2
970	10/2/2020	TLZ	Upload supplemental production from Shillito to logikcull for counsel review.	0.3
971	10/2/2020	TLZ	Prepare supplemental production from opposing counsel for upload to Logikcull.	0.2
972	10/2/2020	TLZ	Upload supplemental production from Shillito to logikcull for counsel review.	0.1
973	10/5/2020	AHM	Participate in CR 26 call and internal follow up.	0.3

	Date	ID	Description	Time
974	10/5/2020	SLB	Review correspondence from Jose Vera; review additional materials to prepare for CR26 conference with Jose Vera and Tyler Shillito (0.5); attend CR 26 conference and send follow up communications re motion scheduling (0.5).	1.0
975	10/6/2020	SLB	Review medical records to pull psych notes/exams for protective order. Update declaration and incorporate into legal memo.	1.0
976	10/6/2020	SLB	Draft Declaration re protective order and pull initial exhibits (0.8); work re motion for protective order(0.4).	1.2
977	10/6/2020	TLZ	Follow up on Sound 911 records requested previously.	0.1
978	10/7/2020	CLS	TEDRA - Prepare Notice of Deposition of Richard W. Perednia and Deposition Subpoena directed to Richard W. Perednia. Email correspondence to Richard W. Perednia forwarding Deposition Subpoena (per email authorization by Richard Perednia) and Zoom log-in information for 10-14-20 deposition.	0.8
979	10/8/2020	SLB	Follow up with Travis re Phoenix shares/issues; phone call with Phil Glass at KL Gates re issues and next steps. Communicate with team re plan of action.	0.8
980	10/8/2020	SLB	evidence/testimony needed and review highlight additional exhibit. Complete and update legal analysis section and edit for brevity.	3.0
981	10/8/2020	SLB	Review recently produced records (0.8); cross reference Julia's phone records to testimony/claims(1.5).	2.2
982	10/8/2020	CLS	TEDRA - Assemble exhibits for Declaration of Stephanie Bloomfield in Support of Personal Representative's Motion for Summary Judgment Dismissing Will Contest.	0.7
983	10/9/2020	AHM	Detailed review of Julia Besola declaration filed in support of petitioners motion for summary judgment.	0.5
984	10/9/2020	AHM	Review and respond to various internal and external emails.	0.2
985	10/9/2020	SLB	Review declaration exhibits and correct and add citation materials; finalize brief and approve for filing (1.5); briefly review Amelia MSJ (0.3).	1.8
986	10/9/2020	SLB	Complete updates to exhibits, confirm highlights of referenced passages (1.0); update and edit several exhibits (0.3); review and amend/finalize declaration (0.3); review and amend/finalize proposed order (0.2).	1.8
987	10/9/2020	CLS	TEDRA - Continue assembling exhibits for incorporation into Declaration of Stephanie Bloomfield in Support of Personal Representative's Motion for Summary Judgment Dismissing Will Contest.	0.5
988	10/9/2020	CLS	TEDRA - Draft Proposed Order Granting Personal Representative's Motion for Summary Judgment Dismissing Will Contest.	0.3
989	10/9/2020	SDH	Communications with Eric Pula re pending issues.	0.2
990	10/12/2020	SLB	Review details of 160 pages of text messages between Mark and Julia from late 2017 – September 2018 never previously produced documenting the falling out between the siblings and Mark's total distaste for both sisters and his stated intent to remove them from his will in September 2018 and his statement that his friends who lived with him were now his surrogate family.	1.5

	Date	ID	Description	Time
991	10/12/2020	SLB	Review scheduling of meeting with Eric and subjects to cover; draft letter to Reamers re moving out of home or purchase.	0.3
992	10/12/2020	SLB	Review Amelia's MSJ and begin drafting reply. Start review of four deps to confirm history of addiction by Mark.	4.5
993	10/13/2020	AHM	Research and draft section of reply re Estate motion for protective order on 10 years of medical records and psychosexual eval.	1.0
994	10/13/2020	AHM	Call with real estate agent re Lake Tapps listing.	0.2
995	10/13/2020	SLB	Meet with client Eric Pula to review status of motions, real estate issues and next steps.	0.5
996	10/13/2020	SLB	Review docs, pull exhibits and prepare for Perednia deposition.	3.0
997	10/13/2020	SLB	Review Lisa's comments/edits; further update opposition memo to SJ by Petitioner; research codicil issues and draft final argument section. Research out of state cases re signature location and add to analysis in opposition.	2.2
998	10/13/2020	TLZ	Prepare and upload deposition exhibits for Perednia deposition to court reporter and video technician.	0.2
999	10/14/2020	AHM	Attend portion of Perednia Deposition.	0.8
1000	10/14/2020	AHM	Additional research and finalizing reply on Estate's Motion for Protective Order.	0.6
1001	10/14/2020	SLB	Complete Perednia Deposition (1.9); follow up re missing documents and research mediation privilege claim and draft letter re withheld documents and scheduling meet and confer (0.8); follow up re Julia withholding of thousands of text messages and draft letter to counsel re CR 37 and CR 11 implications and proposed remedy in lieu of motion for sanctions (0.7); Review filed reply and proposed order granting motion for protective order (0.2).	3.6
1002	10/14/2020	SLB	Review and edit Reply on PO (0.4); continue prep for Peredina dep and pull four additional exhibits for use; updated and complete review of 38 exhibits and incorporate into outline (1.8).	2.2
1003	10/14/2020	TLZ	Research text messages provided in declaration to determine previous disclosure.	1.5
1004	10/15/2020	AHM	Review, revise and finalize draft email to Quentin Wildsmith re Julia discovery abuse.	0.3
1005	10/15/2020	AHM	Additional work on various estate admin issues.	1.4
1006	10/15/2020	AHM	Attend on Zoom for Robyn Peterson deposition and work on estate property admin matters while waiting for deposition to occur.	1.0
1007	10/15/2020	SLB	Review additional production (0.2); follow up re phone extraction and pull list of other information needed from Mark's cell phone (0.8).	1.0
1008	10/15/2020	TLZ	Upload documents from opposing ounces to Logikcull for counsel to review.	0.4
1009	10/15/2020	TLZ	Download and process disclosure records from opposing counsel.	0.3
1010	10/16/2020	AHM	Teleconferences with brokers and emails with client re real estate listings.	1.1
1011	10/16/2020	AHM	Review and respond to emails re Julia's failure to respond to email and draft follow up email.	0.2

	Date	ID	Description	Time
1012	10/16/2020	SLB	Review WF records (500 pages) and updated signature exemplars and timeline. Email expert re additional signatures.	1.0
1013	10/16/2020	SLB	Review email from Tyler and review discovery to try and explain "matrix" issues and why Amelia's responses are inadequate and unverified by any attorney or Amelia as to the document requests (0.6); draft correspondence to Tyler explaining issues and requesting supplementation (0.3); Draft motion to approve sale of real property (0.5); brief conference call with broker to explain timing of court approval process and potential offers and necessary terms to permit court approval (0.3); phone call re commercial property and negotiation strategy/court approval process (0.2).	1.9
1014	10/16/2020	SLB	Review pleadings and prep for motion (0.5); travel to court and argue motion (2.0).	2.5
1015	10/16/2020	TLZ	Review invoices from PC prosecuting attorneys office due to payment but no records received yet.	0.2
1016	10/17/2020	AHM	Meet Eric, go through Lake Tapps offer for Eric's signature and follow up.	1.4
1017	10/19/2020	SLB	Phone call with Kelly McGraw re questions regarding real property sales.	0.2
1018	10/19/2020	SLB	Review entire data set from cell phone and evaluate what information should be produced; tag and identify data to format for production from emails, texts, photos, SMS etc. Listen to numerous audio files to evaluate whether relevant to any issue in matter as well as videos and 12K images.	6.6
1019	10/19/2020	TLZ	Draft notice of withdrawal for counsel.	NC
1020	10/20/2020	SLB	Review and edit motion re sale of properties and follow up re additional production issues.	0.3
1021	10/20/2020	TLZ	Upload J. Besola declaration to logikcull.	0.1
1022	10/20/2020	TLZ	Prepare declaration of J. Besola with text exhibits for upload to Logikcull.	0.1
1023	10/21/2020	SLB	Review additional records relating to Julia Besola and her withholding of information. Collate textmessages with phone logs and create exhibit for deposition (0.8); Phone call with Kelly McGraw per her scheduled request; she hung up; follow up with staff and draft email to Eric Pula re status of motions (0.3). Follow up re perednia documents; follow up re Amelia second discovery with all RFP Responses still in blank (0.3).	1.4
1024	10/21/2020	SLB	Review filing not served on us by Amelia's attorney and evaluate request for "bullet" found at property; email Kolke to ensure that he serves Estate with all future filings.	0.2
1025	10/21/2020	CLS	PROBATE - Review and finalize Declaration of Andrea McNeely in support of Motion to Sell Bonney Lake and Lake Tapps Properties. Assemble exhibits to Declaration of Andrea McNeely.	0.5
1026	10/21/2020	SDH	Email communication with legal team regarding estate bills.	0.20

	Date	ID	Description	Time
1027	10/22/2020	AHM	Attempt to reach Quentin Wildsmith attorney for Julia re 160 pages of withheld texts for CR 26 conference, follow up email, follow up CR 26 conference, review and process Julia's position on second deposition.	0.50
1028	10/22/2020	AHM	Brief conference and review and analyze email from bank re shares.	0.20
1029	10/22/2020	LAK	Review letter re requirements related to obtaining funds from stock sales; emails to S. Bloomfield re same.	0.60
1030	10/22/2020	SLB	Begin assembling data and exhibits for fee declaration (2.0); review email re Phoenix stock, confer briefly with Travis and Lisa re issues; follow up email on issues and scheduling call (0.8).	2.80
1031	10/22/2020	TAM	Multiple emails re next steps relating to getting funds released from escrow. Provide analysis regarding possible solutions.	0.30
1032	10/23/2020	AHM	Conference with counsel regarding release of stock funds And review and revise follow up correspondence.	0.40
1033	10/23/2020	LAK	Work on banking issues. Internal discussion and phone calls.	1.20
1034	10/23/2020	SLB	Review costs and expenses for incorporation into declaration.	0.50
1035	10/23/2020	SLB	Prep for call; call with Phil Guess re Stock Issues; follow up with Lisa re Medallion issue; draft letter to Amelia and Julia counsel re stock issue; email Guess re letter/comment.	1.10
1036	10/26/2020	AHM	Work on Julia sanctions issue and correspondence with opposing re same.	0.40
1037	10/26/2020	AHM	Review sj pleadings, and revise.	1.10
1038	10/26/2020	SLB	Review and finalize opposition memo and address discontinuity issue identified by AHM (0.8); Review response to Gunwall motion (0.5); briefly review Amelia response to Estate MSJ - begin noting complete lack of record citations (0.8).	2.10
1039	10/26/2020	SLB	Review various joinders; review and finalized Memo Opposing Amelia's SJ motion; follow up re pending issues with motion to compel re Julia and review correspondence; finalize order granting motion to strike and denying Amelia's SJ motion.	1.50
1040	10/26/2020	SLB	Review (briefly) 10+ declarations and assess relevance, need for motion to strike and lack of support for claims.	0.80
1041	10/26/2020	CLS	TEDRA - Prepare initial draft of Proposed Order Denying Amelia Besola's First Motion for Summary Judgment.	0.30
1042	10/26/2020	SDH	Discuss estate bills with Stephanie Bloomfield.	0.20
1043	10/27/2020	AHM	Review response to motion to sell properties and begin drafting reply.	0.90
1044	10/27/2020	SLB	Review all summary judgment filings in detail and begin drafting a consolidated reply; review exhibits and pull full context of evidence cited and draft SLB Reply declaration. Review cases cited by Julia and continue to work on motion. (6.0) Review additional 300+ pages of production of what appear to be largely irrelevant bank records (1.0). Continue work on motion, review Ex X (Peterson interview and consider legal strategies surrounding use/striking as double hearsay (1.0).	8.00

	Date	ID	Description	Time
1045	10/27/2020	CLS	PROBATE - Prepare initial draft of Reply in Support of Motion to Approve Sale of Bonney Lake and Lake Tapps Properties and Declaration of Jeff Forsberg.	0.50
1046	10/28/2020	AHM	Drafting finalizing reply and supporting declarations on motion to sell property.	1.60
1047	10/28/2020	AHM	Review most recent escalation clause on Lake Tapps and communicate internally.	0.20
1048	10/28/2020	AHM	Phone call, emails with realtor, review new offer and draft supp dec in support of Lake Tapps House sale motion.	0.80
1049	10/28/2020	AHM	Draft motion re Julia cooperate with stock return after no response from Julia.	2.70
1050	10/28/2020	LAK	Phone conference with Key Bank representative re account blocking; requirements re deposit of stock funds; draft blocking agreement; review requirements from K&L Gates re stock funds; email Key re same.	1.70
1051	10/28/2020	SLB	Continue work re MSJ; draft additional sections re various arguments. Attempt to ascertain what "facts" or "evidence" are actually in existence to support the largely uncited assertions in the briefs. Begin section on Undue influence (5.8); review correspondence and draft declaration relating to Phoenix Stock issue (0.5); review earlier order and revise to draft revised/updated order to accompany new motion (0.5); review and sign off on motion and instruct staff re follow up with Zoetis counsel (0.3).	6.50
1052	10/28/2020	SLB	Continue work on SJ Reply and related review of citations (4.7) Review and revise order re sale of property (0.3); follow up re stock issues and draft declaration in support of new motion re Phoenix stock (0.5); review correspondence notes re Zoetis concerns and draft new order to accommodate/address (0.6); phone call with Zoetis counsel Phil Glass re timing, issues and Zoetis concerns re holdback and follow up re same (0.3). Review Shillito letter re discovery issues and draft response after review of CR34 and files (0.6); communications with Chris re our filings and timing re stock motion (0.2); review multiple versions/emails of proposed order re Fidelity funds and default (0.3); review briefly late filed motion to continue SJ from Amelia (0.3).	7.50
1053	10/28/2020	CLS	PROBATE - Prepare initial draft of Supplemental Declaration of Andrea McNeely in Support of Motion to Approve Sale of Bonney Lake and Lake Tapps Properties.	0.30
1054	10/28/2020	TLZ	Review documents provided from opposing counsel as supplement to production.	0.30
1055	10/28/2020	TLZ	Prepare supplemental document production for upload to Logikcull for counsel review.	0.20
1056	10/28/2020	TLZ	Upload supplemental production for documents received from opposing counsel to Logikcull for counsel to review.	0.20
1057	10/29/2020	AHM	Review pleadings filed today and emails from opposing.	0.60
1058	10/29/2020	AHM	Internal conference regarding strategy, follow up drafting discovery and emails.	0.90



	Date	ID	Description	Time
1059	10/29/2020	SLB	Confer with Lisa re tax return, account funding, next steps with property sales and stock.	0.20
1060	10/29/2020	SLB	Follow up with various providers re potential emails; provide info to Tracie and assign project re retrieving emails if feasible.	0.50
1061	10/29/2020	SLB	Finalize letter to Tyler re discovery issues and confirm redactions and approve production of cell phone data.	0.40
1062	10/29/2020	SLB	Continue work re Reply Brief and identify necessary exhibits to include with Reply Declaration and tag deposition pages needed.	2.50
1063	10/29/2020	TLZ	Prepare fax to submit request for email records to Microsoft.	0.10
1064	10/29/2020	TLZ	Review rejection of faxed request for email records to Microsoft.	NC
1065	10/29/2020	TLZ	Draft email to all counsel for parties to serve cell phone reports.	0.10
1066	10/29/2020	TLZ	Research requirements of requesting email records from Earthlink.	0.30
1067	10/29/2020	TLZ	Prepare cell phone reports for production to opposing counsel.	0.20
1068	10/29/2020	TLZ	Prepare cell phone spreadsheets for production.	0.40
1069	10/29/2020	TLZ	Draft email to Microsoft to provide request for records.	0.10
1070	10/29/2020	TLZ	Review rejection of email to Microsoft to request records.	NC
1071	10/29/2020	TLZ	Revise cell phone spreadsheets to redact client attorney messages.	0.20
1072	10/29/2020	TLZ	Draft detailed letter with exhibits to Microsoft to request email records.	0.20
1073	10/29/2020	TLZ	Review requirements for obtaining email records from Microsoft related to Outlook.	0.40
1074	10/30/2020	AHM	Prepare for and argue motion to approve sale of Lake Tapps and Bonney Lake properties and follow up internally and with PR and realtor.	3.90
1075	10/30/2020	AHM	Prep for and argue motion to sell properties.	1.00
1076	10/30/2020	SLB	Finalize both briefs (Reply ISO MSJ and Opp to Motion to Continue) and SLB Reply Declaration and share with aligned counsel for feedback before final review and Monday filing.	1.20
1077	10/30/2020	SLB	Work through all declarations filed by Amelia and Julia in response to the Estate Motion for summary judgment and draft section of declaration to address specific areas of concern and review underlying exhibits (2.2); complete declaration and move to section of Reply brief to edit to address the motion to strike (0.8). Follow up with Andrea re motions and rulings and address next steps with properties and related issues (0.2); Follow up communications re timing of motion to continue and let other parties know (0.2).	3.40
1078	10/30/2020	SLB	Review email from Zoetis counsel and commentary re Phoenix stock order and address issues.	0.50
1079	10/30/2020	CLS	TEDRA - Prepare Notice of Second Deposition of Julia Besola-Robinson.	0.30
1080	10/30/2020	CLS	TEDRA - Prepare Third Discovery Requests to Amelia Besola.	0.50
1081	11/2/2020	AHM	Review PSA and work with client on Lake Tapps sale.	0.90
1082	11/2/2020	AHM	Detailed review of SJ opposition briefing and review, revise and finalize SJ reply.	2.10
1083	11/2/2020	AHM	Work on Bonney Lake negotiations and sale.	0.60

	Date	ID	Description	Time
1084	11/2/2020	SLB	Review multiple filings from Jose and others in case (1.0); Review late disclosed Bishop report and follow up communications with Floberg (0.5); follow up with Andrea re status of property sales and next steps (0.2); follow up with Lisa re Bank/Tax issues (0.1).	1.80
1085	11/2/2020	SLB	Review and ascertain whether computer files produced and direct staff to immediately produce or reproduce if previously provided (0.5); follow up re reply declaration and draft section re production issues (0.4); work re opposition motion on motion to continue (0.8); review edited version of reply brief and incorporate motion to strike and edit for length and check record cites and add additional cites (1.5); review all final versions of two briefs and declaration and approve for filing (0.8).	4.00
1086	11/2/2020	SDH	Email communication with legal team to discuss discovery production. Telephone conference with Lisa Kremer regarding block account. Text communication with Eric Pula re KeyBank accounts.	1.00
1087	11/2/2020	TLZ	Review and compile production documents for review to ensure compliance with requests.	0.20
1088	11/2/2020	TLZ	Prepare computer records for service to opposing counsel.	0.20
1089	11/2/2020	TLZ	Draft email to opposing counsel to serve supplemental production related to computer records.	0.10
1090	11/3/2020	AHM	Review Bishop declaration and participate in call.	0.40
1091	11/3/2020	AHM	Work on various issues related to Bonney Lake Sale.	0.90
1092	11/3/2020	SLB	Work with expert re declaration (1.0); follow up discovery to Amelia/Julia (0.2); review Gunwall filings (0.3); review latest on Bonney Lake property offer (0.2).	1.70
1093	11/4/2020	LAK	Phone conference with CPA re estate tax return. Phone conference with bank manager re blocked account.	0.90
1094	11/5/2020	AHM	Work on issues related to sale and title for Bonney Lake property.	0.90
1095	11/5/2020	SLB	Review multiple pleadings, briefs and evidence in preparation for argument and outline key points.	3.00
1096	11/5/2020	SLB	Review and edit/finalize orders on multiple SJ motions and continuance.	0.30
1097	11/5/2020	SDH	Text messages to client regarding real estate and accountant information. Email communication with legal team regarding the same.	0.60
1098	11/5/2020	SMP	Request exemplified copy of Order from Court Clerk.	0.40
1099	11/6/2020	AHM	Review and analyze Julia's proposed order re Stock.	0.30
1100	11/6/2020	AHM	Follow up on sale of Bonney Lake property.	0.30
1101	11/6/2020	AHM	Attend oral argument for SJ cross motions and 56 f motions and internal follow up.	4.00
1102	11/6/2020	SLB	Prepare for hearing and review information relating to Amelia's MSJ and outline argument and re motion to continue (1.5) travel to court and attend hearings; edit orders with counsel and return to office (4.0); review email from Quentin re stock order and follow up with Andrea (0.2).	5.70
1103	11/6/2020	SDH	Telephone conference with Tiffany Pula.	0.40



	Date	ID	Description	Time
1104	11/6/2020	SDH	Text communications with Eric Pula. Email communication re the same with legal team.	0.70
1105	11/9/2020	CLS	TEDRA - Prepare initial draft of Response to Petitioner's Motion to Release Property from Pierce County Sheriff's Property Room for Forensic Examination.	0.30
1106	11/9/2020	DYPL	Email communication regarding document signing.	0.30
1107	11/9/2020	SDH	Email communication with legal team regarding sale of commercial property. Fax and email letter to Community Loan Servicing.	2.60
1108	11/9/2020	SDH	Telephone conference with Community Loan Servicing. Email communication to legal team regarding the same.	0.80
1109	11/10/2020	SLB	Review various filings and emails re order; confer briefly with Andrea re positions of Wildsmith and Zoetis/Computershare; review reply pleadings by Vera/Kolke. Review emails and prep for meeting with new CPA.	1.50
1110	11/10/2020	TAM	Call with Andrea re order language. Review emails from various parties. Discuss potential resolutions.	0.50
1111	11/10/2020	DYPL	Review documents for signing; email communication with Lisa Kremer regarding Grantor on deed; draft Statutory Warranty Deed and Excise Tax Affidavit correcting Grantor to PR of the Estate; meet with Eric Pula for document signing; distribute signed documents.	2.30
1112	11/11/2020	LAK	Review and fill out forms relating to real estate transaction.	1.40
1113	11/11/2020	LAK	Prep documents for zoom conference re estate tax return; attend conference re same; followup emailed memos re same.	1.90
1114	11/11/2020	SLB	Prepare for and attend call with CPA and discuss issues re Estate Return, Perednia's draft return and the many errors and missing items.	1.30
1115	11/11/2020	TAM	Revise order based on issue raised by estate tax professional relating to tax withholdings.	0.40
1116	11/11/2020	TAM	Review emails from Andrea re language on order and tax issues. Conference with Andrea about same. Call with Computershare about tax filings.	0.60
1117	11/11/2020	CLS	TEDRA - Prepare initial draft of Release and Hold Harmless Agreement from Estate to Amelia Besola and Julia Besola-Robinson regarding release of funds from transfer of Phoenix Veterinarian Laboratories stock.	0.40
1118	11/11/2020	DYPL	Email communication with Lisa Kremer.	0.20
1119	11/12/2020	AHM	Finalizing reply and workin with Zoetis counsel to finalize proposed order and releases on motion to compel Julia.	1.70
1120	11/12/2020	SLB	Briefly review various filings; search for information for use by Andrea at Oral Argument; follow up with CPA re info needed.	0.80
1121	11/12/2020	SLB	Review fidelity info and attempt to assess log ins and various arguments by Amelia; not version of phone as of 12/1/18 was newer and attempt to summarize issues.	2.00
1122	11/12/2020	TAM	Review emails from Andrea regarding exhibits to order. Review one release. Draft and revise second release.	0.50
1123	11/12/2020	DYPL	Complete escrow instructions, 1099 and FIRPTA, scan and distribute same.	0.80

	Date	ID	Description	Time
1124	11/13/2020	SLB	Review fee motions; look for info re Lucas dismissal (0.5); review orders/rulings from hearings today and briefly confer with Andrea re phone issues (0.3); follow up review of correspondence for fee petition (0.8).	1.60
1125	11/13/2020	SLB	Continue detailed review and analysis of fidelity records and details alleged by Amelia to show improper actions; develop detailed summary of 90 day period and track/collate with other records to evaluate.	3.50
1126	11/13/2020	TAM	Call with Andrea re tax issues relating to order.	0.20
1127	11/16/2020	SLB	Begin drafting fee motion and review docket to put together explanation/timeline of litigation (2.2); follow up re discovery issues with phones and related material (.5) Review multiple motion filings (0.5); follow up with Walk re Fidelity data issues (0.3).	3.70
1128	11/16/2020	TLZ	Draft letter to request records from Google.	0.10
1129	11/16/2020	TLZ	Draft letter to request records from Earthlink.	0.10
1130	11/16/2020	TLZ	Research request for records for Google emails.	0.20
1131	11/16/2020	TLZ	Research request for records for Earthlink emails.	0.20
1132	11/17/2020	AHM	Brief review of fee motion and review and respond to email.	0.30
1133	11/17/2020	SLB	Review Shillito email; follow up communications with eDiscovery; draft response to Shillito re CR 26i conference.	0.60
1134	11/17/2020	SLB	Multiple follow up emails and calls to address parameters of ediscovery transfer. Work with Tyler on language and develop agreed protocol to allow experts to share information.	1.30
1135	11/17/2020	TLZ	Review response from Windstream regarding Earthlink request.	0.10
1136	11/17/2020	TLZ	Draft revised letter to EarthLink new information obtained.	0.10
1137	11/18/2020	SLB	Draft motion and two declarations re sale of Raymond Property. Pull exhibits needed.	1.20

1,513.2

AHM	Total Hours	342.7
SLB	Total Hours	567.3
LAK	Total Hours	108.9
ESP	Total Hours	0.6
SMA	Total Hours	23.6
SDH	Total Hours	232.6
SMP	Total Hours	15.7
JGJ	Total Hours	0.7
LEH	Total Hours	0.7
CLS	Total Hours	59.4
JMC	Total Hours	69.1
DYPL	Total Hours	4.5
SMV	Total Hours	13.9
TAM	Total Hours	3.4
TLZ	Total Hours	70.1

Grand Totals

1,513.2

# EXHIBIT 2

Date	Description	Bill Amount
11/30/2019	LexisNexis Risk Data Mgmt (Accurint)- Electronic Document Retrieval- Person searches, comprehensive reports - November 2019	\$37.59
11/30/2019	Courttrax Corporation- Electronic Court Document Retrieval- Transaction Search and Document Retrievals for November 2019	\$29.78
	<b>11/30/2019 Total Costs/Expenses</b>	<b>\$67.37</b>
12/01/2019	Thomson Reuters - West Payment Center- Legal Research- Legal Research from November 01 2019-November 30 2019	\$32.00
12/13/2019	Photocopies	\$3.00
12/20/2019	Pierce County Superior Court Clerk- Filing Fee- Working copies	\$11.50
12/20/2019	Andrea H. McNeely- Parking	\$9.00
12/27/2019	King County District Court- Court Costs- Court document copy fees re: Pula	\$2.24
12/31/2019	LexisNexis Risk Data Mgmt (Accurint)- Electronic Document Retrieval- Person searches, comprehensive reports - December 2019	\$37.59
12/31/2019	2019	\$10.15
12/31/2019	Courttrax Corporation- Electronic Court Document Retrieval- Transaction Search and Document Retrievals for December 2019	\$65.86
	<b>12/31/2019 Total Costs/Expenses</b>	<b>\$171.34</b>
01/01/2020	Thomson Reuters - West Payment Center- Legal Research- Legal Research from December 01 2019-December 31 2019	\$75.00
01/07/2020	Pacer Service Center- Federal Court Document Retrieval- 4th Quarter 2019 PACER	\$35.00
01/08/2020	records.re: Pula	\$6.54
01/13/2020	Security	\$6.50
01/16/2020	Pierce County Superior Court- Filing Fee- Working copy of PR's Response re Motion for Interim Payment of Fees and Costs	\$6.50
01/17/2020	Pierce County Superior Court- Filing Fee- Working papers of PR's Reply in Support of Motion for Alternate Security	\$6.50
01/29/2020	Creditors	\$156.00
01/31/2020	LexisNexis Risk Data Mgmt (Accurint)- Electronic Document Retrieval- Person searches, comprehensive reports - January 2020	\$2.06
01/31/2020	Courttrax Corporation- Electronic Court Document Retrieval- Transaction Search and Document Retrievals for January 2020	\$71.74
	<b>1/31/2020 Total Costs/Expenses</b>	<b>\$365.84</b>
02/01/2020	Thomson Reuters - West Payment Center- Legal Research- Legal Research from January 01,2020-January 31, 2020	\$60.00
02/03/2020	Lisa Kremer- Court Costs- Court documents Letters Testamentary (4)	\$20.00
02/07/2020	FedEx- Overnight Delivery- Shipping re: Pula	\$86.98
02/11/2020	eDiscovery Inc.- Outside Professional- Computer Forensics Services re: Pula	\$800.00
02/26/2020	King County Superior Court Clerk- Court Costs- Court document copy fees re: Pula	\$29.49
02/26/2020	King County District Court- Certified Copies- Court document copy fees re: Pula	\$5.99
02/29/2020	2020 - Research	\$40.10
	<b>2/29/2020 Total Costs/Expenses</b>	<b>\$1,042.56</b>
03/10/2020	to Approve Costs	\$6.50
03/24/2020	Pula	\$37.49
03/24/2020	Pula	\$603.58
03/24/2020	Pula	\$10.50
03/31/2020	20 Hearing	\$52.50

Date	Description	Bill Amount
	<b>3/31/2020 Total Costs/Expenses</b>	<b>\$710.57</b>
04/06/2020	Research	\$0.50
04/06/2020	Quarter 2020	\$0.60
04/09/2020	Pierce County Superior Court- Court Costs- E-Check Request - Working copies of Reply In Support of Personal Representative's Report and Motion to	\$6.50
04/09/2020	Pierce County Superior Court Clerk- Court Costs- Filing fee for Counterclaims in TEDRA Action 19-4-01945-2	\$241.50
04/15/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Response to Motion to Consolidate in TEDRA Action	\$6.50
04/24/2020	FedEx- Overnight Delivery- Shipping re: Pula	\$57.01
	<b>4/24/2020 Total Costs/Expenses</b>	<b>\$312.61</b>
05/06/2020	Photocopies	\$1.50
05/06/2020	Photocopies	\$0.10
05/11/2020	GreyhoundLegal.COM LLC- Service of Process- Service of process re: Pula	\$85.00
05/12/2020	Postage	\$6.90
05/12/2020	FedEx- Overnight Delivery- Shipping re: Pula	\$77.97
05/12/2020	Photocopies	\$0.40
05/12/2020	Photocopies	\$0.40
05/13/2020	Pierce County Sheriff's Department- Sheriff Service- Electronic file fees re: Pula	\$0.09
05/13/2020	Document fee. re: Pula	\$2.40
	<b>5/13/2020 Total Costs/Expenses</b>	<b>\$174.76</b>
06/01/2020	Thomson Reuters - West Payment Center- Legal Research- Legal Research from May 01,2020-May 31, 2020	\$15.00
06/02/2020	Swedish Medical Center- Records- Medical records fee re: Pula	\$7.12
06/15/2020	Pierce County Superior Court- Filing Fee- Working copy of Note for Motion Docket	\$6.50
06/19/2020	GreyhoundLegal.COM LLC- Messenger Expenses- Service of process of Deposition Subpoena on Kirk Kelley re: Pula	\$85.00
06/19/2020	FedEx- Overnight Delivery- Shipping re: Pula	\$32.37
06/22/2020	GreyhoundLegal.COM LLC- Service of Process- Service of Process of Deposition Subpoena Deuces Tecum on Kirk Kelley re: Pula	\$75.00
06/22/2020	Pierce County Superior Court- Filing Fee- Working papers of Motion for Approval of Sale of Bonney Lake Property	\$11.50
06/25/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for Judge's Working Copy of Reply in Support of Probate Motion to Approve Sale of Property	\$6.50
06/25/2020	Kevin Curry via mail	\$6.50
06/26/2020	CourtCall LLC- Court Costs- Fee for court appearance at 06-26-20 hearing re: Pula	\$52.50
06/30/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Response to Motion for Protective Order re Kevin Curry in TEDRA Action	\$6.50
06/30/2020	LexisNexis Risk Data Mgmt (Accurint)- Electronic Document Retrieval- Person searches, comprehensive reports - June 2020	\$8.90
	<b>6/30/2020 Total Costs/Expenses</b>	<b>\$313.39</b>
07/01/2020	Pierce County Superior Court- Filing Fee- Working copy of Reply in support of Motion to Service Kevin Curry via mail.	\$6.50
07/01/2020	Thomson Reuters - West Payment Center- Legal Research- Legal Research from June01,2020-June30, 2020	\$486.20
07/06/2020	20 Hearings re: Pula	\$52.50

Date	Description	Bill Amount
07/09/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copies re Motion for Service on Kirk Kelley by Mail	\$6.50
07/09/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copies for Motion for Contempt Against Kirk Kelley	\$6.50
07/09/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy for Motion to Amend Answer and Counterclaims	\$6.50
07/10/2020	FedEx- Overnight Delivery- Shipping re: Pula	\$62.10
07/10/2020	Richard S. Adler, MD- Expert/Witness Fee- Fee for initial expert services re: Pula	\$475.00
07/13/2020	Photocopies	\$1.20
07/14/2020	Photocopies	\$5.50
07/17/2020	Motion to Compel	\$6.50
07/22/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for Judge's Working Copy of Supplemental Declaration of Stephanie Bloomfield	\$6.50
07/23/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Reply in support of Motion to Compel	\$6.50
07/23/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Reply re Motion to Amend Answer-Counterclaims	\$11.50
07/23/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for Judge's Working Copy of Supplemental Declaration of Stephanie Bloomfield re Motion for	\$6.50
07/24/2020	FedEx- Overnight Delivery- Shipping re: Pula	\$82.79
07/24/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Motion to Invalidate Lease	\$6.50
07/27/2020	2020 hearings	\$52.50
07/29/2020	GreyhoundLegal.COM LLC- Messenger Expenses- Fee for service of Records Subpoena on Desmond Kolke re: Pula	\$100.00
07/31/2020	Research	\$8.02
07/31/2020	CourtCall LLC- Court Costs- Fee for CourtCall appearance on 07-31-20 re: Pula	\$52.50
07/31/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Reply in support of Motion to Invalidate Kevin Curry Lease	\$6.50
07/31/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Motion to Sell Hoquiam Property	\$6.50
	<b>7/31/2020 Total Costs/Expenses</b>	<b>\$1,461.31</b>
08/01/2020	Thomson Reuters - West Payment Center- Legal Research- Legal Research from July 01,2020- July 31, 2020	\$62.08
08/01/2020	Thomson Reuters - West Payment Center- Legal Research- Legal Research from July 01,2020- July 31, 2020	\$411.32
08/05/2020	Byers & Anderson Inc.- Court Reporter- Deposition of Eric Pula re: Pula	\$1,572.41
08/07/2020	FedEx- Overnight Delivery- Shipping re: Pula	\$20.78
08/11/2020	GreyhoundLegal.COM LLC- Service of Process- Process Service Fee for service of Records Subpoena on White Security Systems re: Pula	\$110.00
08/11/2020	Photocopies	\$0.30
08/11/2020	cell phone re: Pula	\$1,125.00
08/12/2020	CourtCall LLC- Court Costs- Court Call Appearance on 08-07-2020 re: Pula	\$52.50
08/21/2020	GreyhoundLegal.COM LLC- Messenger Expenses- Fee for service of Records Subpoena on Richard Perednia re: Pula	\$175.00

Date	Description	Bill Amount
08/25/2020	CourtCall LLC- Court Costs- Fee for CourtCall Appearance at 08-21-20 hearing on Motion to Bifurcate re: Pula	\$52.50
08/27/2020	Byers & Anderson Inc.- Court Reporter- Transcript of Julia Besola-Robinson re: Pula	\$1,832.60
08/27/2020	2020 re: Pula	\$1,905.12
08/31/2020	Logikcull.com- Outside Professional- GB's Storage re: Pula	\$795.34
	<b>8/31/2020 Total Costs/Expenses</b>	<b>\$8,114.95</b>
09/01/2020	Thomson Reuters - West Payment Center- Legal Research- Legal Research from August 01, 2020 - August 31, 2020	\$197.08
09/02/2020	Prosecuting Attorney- Court Costs- Payment for records received re; Pula	\$0.25
09/03/2020	Besola re: Pula	\$1,250.97
09/11/2020	Washington State Employee Credit Union- Records- Record Copy Fees re: Pula	\$125.00
09/14/2020	2020 re: Pula	\$1,961.47
09/16/2020	GreyhoundLegal.COM LLC- Service of Process- Fee for service or Records Subpoena on Washington State Employees Credit Union. re:Pula	\$100.00
09/17/2020	Motion to Recover Stock	\$11.50
09/18/2020	charges re: Pula	\$90.00
09/18/2020	Southard Beckham, PLLC- Outside Professional- Fee for accounting services	\$150.00
09/23/2020	Byers & Anderson Inc.- Court Reporter- Fee for deposition of Kelly McGraw re: Pula	\$742.84
09/25/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for Judge's Working Copy of Reply to Motion to Recover Stock	\$6.50
09/25/2020	eDiscovery Inc.- Outside Professional- Fee for services regarding search of Mark Besola cell phone and Amelia Besola cell phones. re Pula	\$2,400.00
09/25/2020	FedEx- Overnight Delivery- Shipping re: Pula	\$57.15
09/30/2020	Courttrax Corporation- Electronic Court Document Retrieval- Transaction Search and Document Retrievals for September 2020	\$43.36
09/30/2020	LexisNexis Risk Data Mgmt (Accurint)- Electronic Document Retrieval- Transaction searches - September 2020	\$93.31
09/30/2020	Logikcull.com- Outside Professional- Gb's	\$300.01
09/30/2020	MediCopy Services- Medical Records- Besola Medical Record charges. re: Pula	\$6.50
	<b>9/30/2020 Total Costs/Expenses</b>	<b>\$7,535.94</b>
10/01/2020	Thomson Reuters - West Payment Center- Legal Research- Legal Research from September 01,2020-September 30,2020	\$8.32
10/01/2020	Thomson Reuters - West Payment Center- Legal Research- Legal Research from September 01,2020-September 30,2020	\$340.04
10/01/2020	Katrina Smith- Court Reporter- Fee for transcript of 06-26-20 ruling re Motion to Sell Bonney Lake Property in Probate Cause No. 19-4-00016-6 re:	\$50.00
10/02/2020	B&A Litigation Services- Court Reporter- Fee for transcript and exhibits of deposition of Brandon Gunwall re: Pula	\$681.10
10/02/2020	re: Pula	\$1,070.90
10/05/2020	GreyhoundLegal.COM LLC- Service of Process- Fee for service of Records Subpoena on Amber Allen re: Pula	\$100.00
10/09/2020	eDiscovery Inc.- Outside Professional- Fee for Kevin Curry Email search and extraction of Mark Besola phone from law enforcement re: Pula	\$4,694.65
10/09/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Motion for Protective Order	\$6.50
10/11/2020	Research	\$0.30



Date	Description	Bill Amount
10/11/2020	Research	\$41.50
10/12/2020	B&A Litigation Services- Court Reporter- Fee for exhibit technician at 08-18-20 deposition of Julia Besola-Robinson re: Pula	\$525.00
10/12/2020	B&A Litigation Services- Court Reporter- Fee for exhibit technician at 08-19-20 deposition of Amelia Besola re: Pula	\$637.50
10/12/2020	B&A Litigation Services- Court Reporter- Fee for deposition of Amber Allen re; Pula	\$967.26
10/14/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for Judge's Working Copy of Reply in Support of Motion for Protective Order	\$6.50
10/14/2020	Verizon Security Subpoena Compliance- Records/Document Request- Fee for compliance with records subpoena re: Pula	\$75.00
10/16/2020	Pierce County- Records/Document Request- Payment for records re: Pula	\$1.45
10/19/2020	B&A Litigation Services- Court Reporter- Fee for exhibit technician for 10-14-20 deposition of Richard Perednia, re: Pula	\$147.00
10/21/2020	Pierce County Superior Court- Court Costs- CR 37 Motion to Compel and Sanctions Working Papers for Judge Chushcoff	\$6.50
10/21/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for Judge's Working Copies of Motion to Approve Sale of Real Property	\$6.50
10/26/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for Judge's Working Copy of Opposition to Amelia Besola Motion for Summary Judgment	\$6.50
10/27/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for Judge's Working Copy of Motion for Summary Judgment	\$6.50
10/28/2020	on Kirk Kelley re: Pula	\$85.00
10/28/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for Judge's Working Copies of Reply in Support of Motion to Approve Sale of Properties	\$6.50
10/28/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for Judge's Working Copy of 3rd Declaration of Andrea McNeely	\$6.50
10/29/2020	Pierce County Superior Court Clerk- Court Costs- Fee for judge's working copy of Fourth Declaration of Andrea McNeely	\$6.50
	<b>10/29/2020 Total Costs/Expenses</b>	<b>\$9,483.52</b>
11/02/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Response to Motion to Continue SJ Hearing	\$6.50
11/02/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working of Reply in support of Motion for Summary Judgment	\$11.50
11/03/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for Judge's Working Copy of Declaration of Robert Floberg	\$6.50
11/05/2020	Pierce County Superior Court Clerk- Court Costs- Exemplified copy of order	\$12.00
11/09/2020	Pierce County Superior Court Clerk- Filing Fee- Fee for judge's working copy of Response to Motion to Release Property	\$6.50
11/12/2020	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Reply in support of Motion to Transfer Stock	\$6.50
11/19/2020	Allen re: Pula	\$60.00
11/19/2020	eDiscovery Inc.- Outside Professional- Fee for forensic exam of cell phone re: Pula	\$375.00
	<b>11/19/2020 Total Costs/Expenses</b>	<b>\$484.50</b>
<b>Grand Total Costs/Expenses:</b>		<b>\$30,238.66</b>



# EXHIBIT 3

Stephanie Bloomfield  
Direct: (253) 620-6514  
E-mail: sbloomfield@gth-law.com

November 25, 2019

Via Email  
Eric Pula  
c/o Elizabeth Thompson, Esq.  
[ethompson@ethompsonlaw.com](mailto:ethompson@ethompsonlaw.com)

*Handwritten:*  
c/o Tiffany Pula  
tiffanypula@ymail.com  
435 S. Fawcett St. #104  
Tacoma WA 98402

RE: Terms of Representation and Fee Agreement

*Handwritten:* Eric ~~206~~-253-229-7349

Dear Mr. Pula and Ms. Thompson:

*Handwritten:* Tiffany 253-267-2555

I look forward to the opportunity to work with you and I am writing to explain the terms and conditions of the Firm's proposed representation so they are clear from the outset. You have asked Gordon Thomas Honeywell LLP (the "Firm") to provide representation and advice in relation to you as the Personal Representative of the Estate of Mark Besola in the following matters relating to the Estate of Mark Lester Besola: Pierce County Cause Numbers: 19-4-00016-6 (Probate Admitting Dec. 2018 Will); 19-4-01945-2 (TEDRA Petition Contesting Dec. 2018 Will); and 19-4-01902-9 (TEDRA Petition seeking injunctive relief re Gunwall/Swenson and Fidelity Accounts). We understand that Elizabeth Thompson will continue to represent you in your individual capacity as a beneficiary of the Estate. The Firm's representation will be upon the following terms and conditions:

1. Fee for Legal Services. The Firm's fees for legal services rendered will be determined by the Firm based upon the hourly rates, as adjusted from time to time, of the lawyers and legal assistants or other support personnel assigned to this matter. The hourly rates for partners are presently between \$325 and \$550. Rates for Associate attorneys are presently between \$250 and \$325. Paralegal rates are from \$175 to \$225. The hourly rates set by the Firm do not include the reimbursable expenses detailed in paragraph 2 below. My hourly rate for this matter is \$500, but I anticipate my colleague Andrea McNeely will be substantially involved and her hourly rate is \$425.

2. Costs and Expenses. During the course of the Firm's representation, it may be necessary for the Firm to advance out-of-pocket expenses on your behalf such as filing fees, postage, long-distance telephone charges, computer-aided legal research, courier services, travel costs, and deposition and transcript fees. The cost of certain internal services, such as photocopying and word processing, are also charged to our clients. In addition, the Firm, may, with your consent, engage investigators or other experts in various locales and areas of

Reply to:

Tacoma Office

1201 Pacific Ave., Suite 2100  
Tacoma, WA 98402

(253) 620-6500  
(253) 620-6565 (fax)

Seattle Office

600 University, Suite 2100  
Seattle, WA 98101

(206) 676-7500  
(206) 676-7575 (fax)

expertise to assist in the Firm's representation as we determine is appropriate. We may pay these expenses as your agent, although you will remain responsible for these amounts. We will identify you as a client of the firm when making these payments as your agent. You agree to promptly repay the Firm for such payments made on your behalf. Alternatively, upon the Firm's request, you agree to promptly pay such expenses directly to the vendor.

3. **Statements.** I generally invoice clients monthly for fees and expenses advanced during the previous month, with payment being due within 20 days of receipt. If the Firm defers sending an invoice for a period of time or until the occurrence of specific event (i.e., at file closing or when a substantial amount of work is performed) such deferral will not prejudice the Firm's right to be paid for all legal services and expenses advanced.

4. **Interest.** Interest at the rate of one percent (1%) per month will be assessed on the balance of all fees and costs not paid within 30 days of the date of the invoice. If, at your request, the Firm agrees to defer billing any matter, the Firm may accrue interest on all balances which are more than 30 days old during the period of such deferral. You agree to pay all such interest, and the Firm shall have the right to collect such interest even though it may not be reflected on the computer-generated statement you receive from the Firm, and even though the Firm may have accepted payments which do not include such interest.

5. **No Warranty of Results.** The Firm has not made any representations, assurances, or guarantees regarding the outcome or any consequence connected with the representation by the Firm. There are not any implied or express warranties given by the Firm.

6. **Documents and Status.** It is our practice to send you copies of most documents which we receive or send out in a particular matter. Often the substance of these documents will be self-explanatory. We shall send those to you without further comment. We will provide comment on any which require it. If at any time what we have sent you is not clear, or if you have questions relating to the matter, simply pick up the telephone and call me and I will be more than happy to address your concerns.

7. **Oral Authorizations.** You agree that the Firm may act upon your oral authorization or upon the oral authorization of your lawyer, Ms. Thompson, with respect to matters requiring your consent.

8. **Liability for Fees.** You agree to be responsible and liable for payment of any requested advance fee deposits and all fees and expenses incurred pursuant to this Agreement.

9. **Severability; Entire Agreement; Successors Bound; Modifications.** If any provision in this Agreement is held to be illegal or unenforceable under the present or future laws, that provision or phrase shall be fully severable and the balance of this Agreement shall be construed and enforced as if that illegal or unenforceable provision had never comprised a

part of this Agreement. The remaining provisions shall remain in full force and effect. This Agreement contains the entire agreement between you and the Firm regarding the Firm's representation of you in the matter described above. This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, executors, administrators, legal representatives, successors, and assigns. This Agreement shall not be modified except by a written agreement signed by you and the Firm.

10. Relationship with GTH-GA. Our law firm shares its name with Gordon Thomas Honeywell – Governmental Affairs (“GTH-GA”) under a license agreement. GTH-GA is separate from Attorneys’ law firm. We have no ownership, management or control of GTH-GA, which provides lobbying and other consulting services, not legal advice. By signing this agreement to hire Attorneys you agree that we may disclose your name and the general nature of this case to GTH-GA to avoid and address potential or apparent conflicts of interest. When we refer matters to GTH-GA they pay us a referral fee.

11. Document Retention, Copying, and Destruction. Once a matter is concluded, the Firm generally retains relevant documents for a period of seven years, or longer if appropriate based on the particular nature of the work involved. Once the appropriate retention period is passed, the Firm will destroy the documents. If you wish to have the documents returned to you rather than destroyed, those arrangements need to be made within 30 days of the conclusion of this matter. If, after the conclusion of the matter we have handled for you, you request copies or originals of your documents, you agree to pay for the copies, and the cost of retrieving any requested documents stored off-site.

Please indicate your acceptance and agreement by signing this letter where indicated below and returning it via email.

I appreciate the opportunity to be of service to you in connection with this matter. Please contact me should you have any questions or concerns.

Very truly yours,

  
Stephanie Bloomfield

CONSENT

I have read, understand and agree to be bound by the terms and conditions of representation set forth above.

SIGNED this 25<sup>th</sup> day of November, 2019.

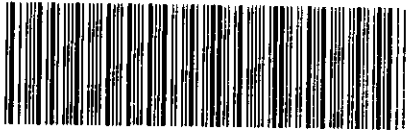


Eric Pula

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5/10/2019



19-4-00016-6 53258362 LWAT 05-09-19

19-4-00016-6  
**AST WILL AND TESTAMENT**  
**OF**  
**MARK LESTER BESOLA**

FILED  
IN COUNTY CLERK'S OFFICE

MAY 08 2019

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY                      DEPUTY

**RECITAL**

I, Mark Lester Besola, a resident of Pierce County within the State of Washington, make, publish and declare this to be my Last Will and Testament, thereby revoking any and all previous Wills and Codicils made by me.

**RELATIVES**

I, Mark Lester Besola, attest that I am single.

I do not have any children.

All references in this Will to the Descendants of any person shall mean their naturally born children and/or legally adopted children, unless otherwise indicated, as well as any of their children's naturally born and/or legally adopted children throughout the generations to come.

**BURIAL**

It is my request that my Executor make arrangements for my remains to be buried at Lopez Union Cemetery located at 311 Davis Bay Rd, Lopez Island, Washington 98261. I also request that I be buried in an Armani suit.

All costs and expenses associated with my burial requests shall be paid from the life insurance, if any, and/or proceeds of my estate.

**DEBTS & EXPENSES**

Any and all my debts due and payable, including funeral, memorial and burial expenses, the expenses of the administration of my estate, all estate, inheritance and similar taxes payable with respect to property included in my probate estate, including any interest and/or penalties thereon, shall be paid out of my estate pursuant with the laws of the State of Washington, without apportionment or right of reimbursement from any beneficiary herein named in my Will.

**REAL PROPERTY**

I bestow and bequeath any interest which I may have in my home, including the real property and

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improvements, located at 5314 218th Ave E, Lake Tapps, Washington 98391 owned by me at the time of my death along with all insurance policies upon my home, subject to any loans, mortgages or other encumbrances pursuant to the attached Schedule - Beneficiary Designations.

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I bestow and bequeath any interest, including the real property and improvements, which I may have in any other real estate, owned by me at the time of my death, along with all insurance policies upon such real property, subject to any loans, mortgages or other encumbrances pursuant to the attached Schedule - Beneficiary Designations.

### **PERSONAL PROPERTY**

5/10/2019

I bestow all of my tangible personal property owned by me at the time of my death, including, without limitation, personal effects, clothing, jewelry, furniture, furnishings, household goods, automobiles and other vehicles, along with all insurance policies upon such tangible property, in accordance to those designated in the attached Schedule-Beneficiary Designations, and if any of them shall be under the age of eighteen(18)years,then it shall be held in trust until such time as (s)he becomes of age.

As per the attached Schedule - Beneficiary Designations to this Will, signed by me and identifying certain personal property which is to be bestowed upon the persons named therein, I direct my Executor to distribute such property in accordance with the terms and provisions contained herein.

The reasonable fee of delivering such property shall be paid by my Executor as an expense of my estate.

### **CASH, BANK ACCOUNTS, INVESTMENTS**

I bestow and bequeath any interest which may belong to me at the time of my death in accordance to and in conjunction with the attached Schedule - Beneficiary Designations

### **RESIDUARY ESTATE**

I bestow and bequeath all the rest, residue and remainder of my property and estate, both real and personal, of whatever kind and wherever located, including any inheritance I may be entitled to as well as any lapsed or void legacy or devise under this Will, that I own or am in any manner entitled to at the time of my death (collectively referred to as my "residuary estate"), to be divided among those as designated in the attached Schedule - Beneficiary Designations. If they are or if any of them shall be under the age of eighteen (18) years, then it shall be held in trust until such time as s/he becomes of age.

If there should be no living beneficiary under the above provisions to receive the assets in my residuary estate, then my residuary estate shall be distributed to the persons who would be entitled thereto under the laws of descent and distribution pursuant to the laws of the State of Washington,

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as if I had died intestate at that time owning such property in fee simple, with exclusion of those descendants which may be listed in the attached Disinherit Schedule as disinherited.

### **TESTAMENTARY TRUST**

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Any property, assets or other distributions from my estate intended for a beneficiary under 18 years of age at the time of distribution is to be made, shall not be paid or distributed outright to such beneficiary, but rather shall be held in trust by my Trustee, or if I have not named a Trustee, by my Executor in the capacity of a Trustee, upon the following terms and conditions.

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The Trustee shall hold, manage, invest and reinvest the property of such beneficiary in a separate trust and shall distribute to or for the benefit of the beneficiary so much or all of the net income or principal thereof as the Trustee, in the Trustee's sole discretion, shall deem necessary to provide for such beneficiary's health, education, maintenance and support, taking into consideration any other resources available to such beneficiary. Any net income not so paid shall be accumulated and added to principal at least annually and thereafter shall be held, administered and disposed of as a part thereof.

When such beneficiary reaches 21 years of age, the Trustee shall distribute 30% of the assets then held in trust to such beneficiary; and if and when such beneficiary reaches 25 years of age, the Trust shall automatically terminate and the Trustee shall distribute all remaining principal and income to such beneficiary. Notwithstanding any provisions herein to the contrary, my Trustee may determine it is in the best interests of the beneficiary to terminate the trust prior to such beneficiary reaching 25 years of age and distribute all trust assets directly to such beneficiary or into a custodial account established for such beneficiary, and my Trustee shall have no liability therefore.

If such beneficiary dies prior to receiving all of the assets in his/her trust, the principal and income in such beneficiary's trust shall be paid and distributed to such beneficiary's living Descendants, if any; and if none, then to my living Descendants, provided, however, that if any such Descendant is a beneficiary of another trust under this Will, such property otherwise distributable to such beneficiary shall be held in accordance with such trust. If I have no living Descendants, such property shall be distributed to the beneficiaries of my residuary estate as provided in this Will, or if there are none, to the persons who would be entitled thereto under the laws of descent and distribution of the State of Washington if I had died intestate at that time owning such property in fee simple.

### **AVOIDANCE OF CONSERVATORSHIP**

If any property of my estate vests in absolute ownership in a minor or incompetent, my Executor, at any time and without court authorization, may:



- a) distribute the whole or any part of such property to the beneficiary;
- b) hold such property in trust and use the whole or any part for the health, education, Maintenance and support of the beneficiary;
- c) distribute the whole or any part to a guardian, conservator, committee or other legal Representative of the beneficiary;
- d) distribute the whole or part to a custodian for the beneficiary under any gifts or transfers to minors act; or
- e) distribute the whole or part to the person or persons with whom the beneficiary resides.

Evidence of any such distribution or the receipt therefor executed by the person to whom the distribution is made shall be a full discharge of my Executor from any liability with respect thereto, even though my Executor may be such person.

If such beneficiary dies before receiving all of the assets held in conservancy, the principal and income in such beneficiary's trust shall be paid and distributed to such beneficiary's living Descendants, if any; and if none, then to my living Descendants. If I have no living Descendants, such property shall be distributed to the beneficiaries of my residuary estate, as provided in this Will, or if there none, to the persons who would be entitled thereto under the laws of descent and distribution of the State of Washington as if I had died intestate at that time owning such property in fee simple.

#### **SPENDTHRIFT PROVISION**

The interest of any beneficiary of any trust created under this Will shall not be transferred, assigned or conveyed, and shall not be subject to the claims of any creditors of such beneficiary, or of any local, state or federal government or agency, or of any private agencies, and the Trustee, or if I have not named a Trustee, by my Executor in the capacity of a Trustee, shall continue distributing trust property directly to or for the benefit of such beneficiary as provided for herein, notwithstanding any transfer, assignment, conveyance or action by creditors governments or agencies. If the Trustee is prevented by any transfer, assignment or conveyance or by any proceeding brought by any creditor, government or agency or by any bankruptcy, receivership or other proceeding, from distributing property directly to or for the benefit of any beneficiary, the Trustee shall hold and accumulate the property which would otherwise have been distributed until the Trustee is able to distribute such property directly to or for the benefit of such beneficiary, or until the death of such beneficiary, whichever first occurs; and on the death of such beneficiary any such property so held and accumulated shall become a part of the principal of the trust and shall be disposed of accordingly.

#### **DIRECTIVE FOR PET CARE**

Notwithstanding any other provisions of this Will, I further direct and request that:



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The following pet(s), and any and all animals that I may own at the time of my death, be given to Brandon Gunwall, presently residing at 5314 218th Ave E, Lake Tapps, Washington, 98391, we have made an agreement that he take and treat them as companion animals and is named beneficiary to my AVMA Group Health and Life Insurance Trust to take care of my animals.

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If Brandon Gunwall is unwilling or unable to receive my animals, he is in breach of our verbal contract and as beneficiary of my Life Insurance becomes null and void and I give such animals.. to Eric Pula, presently residing at 5314 218th Ave E, Lake Tapps, Washington, 98391, with th fsse wish that he treat them as companion animals. In return he become beneficiary to my AVMA Group Health and Life Insurance Policy

5/10/2019

If Eric Pula is unwilling or unable to receive my animals, I request that KARE, located at PO Box 994, Silverdale, Washington 98383, whose telephone is 3606026717 and contact person is to receive my animals and ensure they are cared for and treated as companion animals, and if KARE is unable to receive my animals, my Executor shall select an appropriate person and I will give my animals to such person.

PET TYPE	PET NAME	VETERINARY NAME
Dog	Bullwinkle	MarkBesola
Dog	Angle	Mark Besola
Dog	Rory	Mark Besola
Dog	Hope	Mark Besola
Dog	Scamper	Mark Besola
Dog	Fancy	Mark Besola

I instruct my Executor to take my AVMA Group Health and Life Insurance Trust and give it to the person who shall accept my animals, and I wish and direct that these funds be used solely for the care and support of my animals.

**APPOINTMENT OF EXECUTOR/TRUSTEE**

I appoint Eric Pula, Friend and Caretaker, to serve as Executor of my Will. If my Executor is unwilling or unable to serve, I appoint Kelly McGraw, Best Friend, to serve as the Alternate Executor of my Will.

I do not wish for Amelia Besola, Sister, to serve as my Executor under any circumstances.

I appoint Kelly McGraw, Best Friend, to serve as Trustee of any trust created under this Will. If my Trustee is unwilling or unable to serve, I appoint Eric Pula, Friend And Caretaker, to serve as Alternate Trustee of any trust created under this Will.

I do not wish for Amelia Besola, Sister, to serve as my Trustee under any circumstances.

I appoint Eric Pula, Friend and Caretaker, to serve as Digital Executor of my Will. If my Digital Executor is unwilling or unable to serve, I appoint Kelly McGraw, Best Friend to serve as the Alternate Digital

5/10/2019 6:00 PM  
Executor of my Will.

I do not wish for Amelia Besola, Sister, to serve as my Digital Executor under any circumstances.

### **BONDS/AUDITS NOT REQUIRED**

The term "Fiduciary" shall mean any Executor, Trustee or successor qualifying and serving under this Will.

No Fiduciary shall be required to file or furnish any bond, surety or other security in any jurisdiction, nor shall any Fiduciary hereunder be required to file any inventory or other reports with any court.

No Fiduciary shall be required to inquire into or audit the acts or doings of any predecessor Fiduciary or to make claim against any such predecessor or their estate.

### **POWERS OF EXECUTORS/TRUSTEES**

Any Executor or Trustee serving under this Will shall be a Fiduciary granted all the powers conferred by Washington laws, as amended. Any successor Fiduciary shall have and may exercise all of the powers, privileges, immunities and exemptions conferred upon the predecessor Fiduciary as fully and to the same extent as if such successor had originally been named as a Fiduciary. Any Fiduciary serving hereunder shall keep full accounts and shall make and furnish statements of all receipts and disbursements at least annually to each person then eligible to receive income from my estate or any trust created hereunder and shall at any time, upon reasonable request of such person, provide full information to such person as to the condition of my estate, including amounts received and disbursements made.

Any Fiduciary under this Will may resign without the order of any officer or court and without consent of any beneficiary of any provision of this Will by giving such Fiduciary's successor and all persons then entitled to receive income hereunder, or the guardians of such persons, thirty (30) days advance written notice of such intent to resign, or at any time resign by instrument in writing signed by such Executor or Trustee and delivered to the persons then entitled to the income from my estate or such trust. In the case of an Executor, the Fiduciary must also give notice to the Court having jurisdiction over the administration of my estate; and upon properly accounting for all estate property received and disbursed, shall be discharged from any and all further liabilities. In the case of a Trustee, the Fiduciary must deliver the trust property to the successor Trustee and upon properly accounting for all trust property received and disbursed, shall be discharged from any and all further liabilities.

If a successor Fiduciary is unable or unwilling to serve, they may appoint a second successor Fiduciary to serve in their place, by sending a signed instrument appointing a successor delivered to each living beneficiary under my Will making express reference to this power and the second successor Fiduciary may exercise powers upon a prospective and contingent basis until effective:

To compensate counsel and to employ other persons who may be deemed necessary for proper administration and to delegate authority when delegation is advantageous to the trust or estate.

To exercise and continue the power provided in this section notwithstanding the termination of the trust until all assets of the trust has been distributed.

The right to receive reasonable compensation for services rendered with regards to this Will, and to be exonerated from and to pay all reasonable expenses and charges of the estate and trust.

### **POWERS OF DIGITAL EXECUTOR**

My Digital Executor shall have the power granted by law for proper administration to manage, distribute, handle, download, backup digital assets, convert my file format, access any and all devices necessary to manage digital assets, clear computer caches and distribute and dispose of my digital assets in accordance with this Will without order of court and without notice to anyone. In addition, the Digital Executor shall also have the rights, powers and authority as follows:

**Standard of Care** The customary "Standard of Care" shall include, but is not limited to, the distribution, management, or termination of digital assets, the exercising of care and judgment, under the circumstance then current and prevailing, of persons of cautiousness, acumen and good judgment in the exercise and management of their own affairs, with regards to the handling of their own personal digital assets, and taking into consideration the plausible safety of their digital assets.

**Engage Professional Assistance** The Executor shall have the appropriate power and mandate to hire, employ, or dismiss, and compensate any professional assistants deemed necessary, or to hire and employ any other persons which may become necessary in order to ensure the proper administration of this Will, as well as the power to delegate authority to another when such delegation would be deemed beneficial to the management and distribution of the estate and/or trust.

**Extent of Power** The Executor shall have the power and authority to implement and maintain the rights provided hereunder this Will, despite any dissolution or cessation of any trust which may be allocated herein, until such time as all assets of the trust have been distributed accordingly.

**Compensation** The right and authority to be exonerated from, to pay all reasonable expenses and charges of the estate and/or trust and to receive reasonable compensation for services rendered under and in accordance to this Last Will and Testament.

**Informal Administration** The herein named Digital Executor shall have all rights and authority to control and manage the digital assets, if any, to the extent allowable by law without any undue or unnecessary intervention or interference by the probate court.

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## **APPOINTMENT OF DIGITAL EXECUTOR**

Distributed digital assets, in accordance to this Will, shall include any and all files stored on my digital devices, including but not limited to, desktops, laptops, tablets, peripherals, storage devices, mobile telephones, smartphones, and any similar digital device which currently exists or may exist as technology develops or such comparable items as technology may develop in the future. The term "digital assets" also includes but is not limited to emails, received and sent, email accounts, digital music, digital photographs, digital videos, software licenses, social network accounts, file sharing accounts, financial accounts, domain registrations, DNS service accounts, web hosting accounts, tax preparation service accounts, online stores, affiliate programs, other online accounts and similar digital items which currently exist or may exist as technology develops or such comparable items as technology may develop in the future, regardless of the ownership of the physical device upon which the digital item is stored.

I appoint Eric Pula, of Lake Tapps, as Digital Executor. In the event that Eric Pula declines to serve for any reason, I then wish to appoint Kelly McGraw, of Lake Tapps, to serve as my Digital Executor.

## **SURVIVORSHIP**

I direct that, for purposes of this Will, a beneficiary shall be deemed to predecease me unless such beneficiary survives me by more than thirty (30) days.

## **DISINHERITANCE**

I have intentionally omitted to provide for and specifically direct that under no circumstances shall any property, part, share or interest of my estate vest in or be taken by those persons named on the attached Disinherit Schedule, including their respective spouses and children, heirs and assigns. I generally and specifically disinherit each and every person identified within the attached Disinherit Schedule pertaining to this paragraph, regardless of whether they are claiming to be or may be lawfully determined to be my heirs at law, notwithstanding anything to the contrary in this Will.

## **CONTESTS DISALLOWED**

Should any beneficiary contest or initiate proceeding to contest the validity of this Will or to prevent any provision herein from being carried out in accordance with its terms (whether or not in good faith and with probable cause), then all the benefits provided for such contesting beneficiary in this Will, including their Descendants, shall be revoked and annulled.

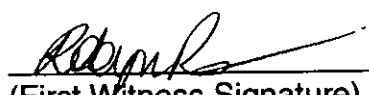
0076 The share to which such contesting beneficiary would otherwise have been entitled shall be distributed to such persons and in such manner as if such contesting beneficiary and all of such beneficiary's Descendants had died immediately prior to such division without exercising any power of appointment which they might otherwise have under this Will.

695 If all of the persons who are beneficiaries of this Will join in such contest or proceeding, my estate shall be distributed to any of those persons who are not contesting beneficiaries and who would otherwise be entitled thereto under the laws of descent and distribution of the State of Washington, as if I had died intestate at that time owning such property in fee simple.

5/10/2019 IN WITNESS WHEREOF, I have set my hand and seal on this date of 12-6-18.

**TESTATION CLAUSE**

The foregoing instrument was signed, sealed, published and declared by Mark Lester Besola, the above named Testator to be such Testator's Last Will and Testament in our presence, all being at the same time, and we, at such Testator's request and in such Testator's presence and in the presence of each other, have subscribed our names as witnesses on the aforementioned date above.



(First Witness Signature)  
Robyn Peterson  
900 29th St SE # E7  
Auburn, WA 98002  
2534551863



(Second Witness Signature)  
James Garrett  
5314 218th Ave E  
Lake Tapps, WA 98391  
2533553105

**SELF-PROVING AFFIDAVIT**

**STATE OF WASHINGTON**

**COUNTY OF PIERCE**

Before me, the undersigned authority, on this day personally appeared the Testator, Mark Lester Besola, and the witnesses, Robyn Peterson and James Garrett, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and all of said individuals being

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5/10/2019

duly sworn, the Testator declared to me and to the witnesses in my presence that said instrument is the Last Will and Testament of the Testator and that the Testator had willingly made and executed it as the Testator's free act and deed for the purposes expressed therein. The witnesses, each on oath, stated to me in the presence and hearing of the Testator that the Testator had declared to them that the instrument is the Testator's Last Will and Testament and that the Testator executed the instrument as such and wished each of them to sign it as it as a witness; and under oath each witness stated further that the witness had signed the same as witness in the presence of the Testator and at the Testator's request; that the Testator was of sound mind and body. I had a near death experience recently. If it had not been for Eric Pula, I would not be here today. I owe him my life and therefore leaving him 55% of my estate.

\_\_\_\_\_(Testator Signature)

\_\_\_\_\_(First Witness Signature)

\_\_\_\_\_(Second Witness Signature)

Sworn to and subscribed before me by the Testator, Mark Lester Besola, and witnesses, Robyn Peterson and James Garrett, on this date of \_\_\_\_\_.

\_\_\_\_\_  
Public Signature)

Expires \_\_\_\_\_

(Notary  
My Commission

#### **SCHEDULE - BENEFICIARY DESIGNATIONS**

<b>BENEFICIARY NAME</b>	<b>RELATIONSHIP</b>	<b>BEQUEATHED INHERITANCE</b>	<b>INHERITANCE PERCENTAGE</b>
KellyMcGraw	BestFriend		25%
Eric Pula	Friend/Caretaker		55%

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5/10/2019

BENEFICIARY NAME	RELATIONSHIP	BEQUEATHED INHERITANCE	INHERITANCE PERCENTAGE
KellyMcGraw	BestFriend		25%
Eric Pula	Friend/Caretaker		55%
Julia Besola- Robinson	Sister	My Share and interest of 1713 MacKaye Harbor Rd Lopez Island & 3427 E 26th Ave Spokane	
UC Davis Veterinary Catastrophic Need Fund	Charity		10%
KARE Kitsap Animal Rescue & Education	Charity		10%

I wish for ALL of my Assets- Property, Personal and Real, Cash, Bank Accounts and Investments that are not mentioned above to be sold, closed and/or cashed out. After all debts and bills are paid the remainder distributed per schedule above.

Mark L. Besola  
(Testator Signature)

#### DISINHERIT SCHEDULE

#### NAME OF DISINHERITED INDIVIDUAL RELATIONSHIP TO TESTATOR

Amelia Besola (Sister) has stolen over 1 million from me Jeffrey Swenson (Friend)  
has stolen tens of thousands from me



**Pierce County Superior Court Civil Case 19-4-01902-9**

Case Title: IN RE ESTATE OF MARK LESTER BESOLA  
Case Type: Trust/Est. Dispute Resolution  
Access: Public  
Track Assignment: Standard  
Jury Size:  
Estimated Trial Length:  
Dept Judge: **04 BRYAN CHUSHCOFF**  
Resolution:  
Completion:

**Consolidated Related Cases**[\*\*19-4-01945-2\*\*](#)**Litigants**

Name	Type	Status	Date of Death
<b>BESOLA, AMELIA</b>	Petitioner		
<b>Attorneys for BESOLA, AMELIA</b>	<b>Type</b>		<b>Bar Number</b>
<b><u>STUART CHARLES MORGAN</u></b>	Atty for Plaintiff/Petitioner		26368
<b><u>Jose F. Vera</u></b>	Atty for Plaintiff/Petitioner		25534
<b><u>DESMOND DANIEL KOLKE</u></b>	Atty for Plaintiff/Petitioner		23563
<b><u>Charles Tyler Shillito</u></b>	Atty for Plaintiff/Petitioner		36774
<b><u>Andrea Heidi Brewer</u></b>	Atty for Plaintiff/Petitioner		52724
<b><u>Grady Heins</u></b>	Atty for Plaintiff/Petitioner		54262
<b>GUNWALL, BRANDON</b>	Involved Party		
<b>Attorney for GUNWALL, BRANDON</b>	<b>Type</b>		<b>Bar Number</b>
<b><u>Daniel K. Walk</u></b>	Atty for Involved Party		52017
<b>DOES, JOHN 1-20</b>	Involved Party		
<b>FIDELITY BROKERAGE SERVICES, LLC</b>	Involved Party		
<b>Attorney for FIDELITY BROKERAGE SERVICES, LLC</b>	<b>Type</b>		<b>Bar Number</b>
<b><u>Igor V. Stadnik</u></b>	Atty for Involved Party		49123
<b>PULA, ERIC</b>	Involved Party		
<b>Attorney for PULA, ERIC</b>	<b>Type</b>		<b>Bar Number</b>
<b><u>Kevin Terry Steinacker</u></b>	Atty for Involved Party		35475
<b>UC DAVID VETERINARY CATASTROPHIC NEED FUND KARE</b>	Involved Party		
<b>SMITH, MICHAEL B</b>	Involved Party		
<b>Attorneys for SMITH, MICHAEL B</b>	<b>Type</b>		<b>Bar Number</b>
<b><u>NEIL ARMSTRONG DIAL</u></b>	Atty for Involved Party		29599
<b><u>Samuel James Dart</u></b>	Atty for Involved Party		47871
<b>SWENSON, JEFFREY</b>	Involved Party		
<b>SWENSON, JEFFREY E</b>	Involved Party		
<b>LUCAS, GREGORY D</b>	Involved Party		
<b>JULIA BESOLA-ROBINSON</b>	Involved Party		
<b>Attorney for JULIA BESOLA-ROBINSON</b>	<b>Type</b>		<b>Bar Number</b>
<b><u>QUENTIN WILDSMITH</u></b>	Atty for Involved Party		25644


**Filings**

Filing Date	Filing	Access	Pages	Microfilm
10/18/2019	FILING FEE RECEIVED \$240.00	Public	0	
10/18/2019	CASE INFORMATION COVER SHEET	Public	1	
10/18/2019	ORDER ASSIGNING CASE TO DEPARTMENT AND SETTING HEARING DATE	Public	1	
10/18/2019	SUMMONS	Public	2	
10/18/2019	TEDRA PETITION	Public	14	
10/21/2019	NOTICE OF APPEARANCE	Public	4	
10/24/2019	RECEIPT(S) FROM AMELIA BLSOLA	Public	1	
10/30/2019	MOTION FOR TRO	Public	18	
10/30/2019	DECLARATION OF AMELIA BESOLA	Public	56	
10/30/2019	DECLARATION OF MORGAN K. MADISON	Public	38	
10/30/2019		Public	15	



	DECLARATION OF DESMOND KOLKE		
10/31/2019	CLERK'S MINUTE ENTRY	Public	2
10/31/2019	AFFIDAVIT/DECLARATION OF SERVICE	Public	8
10/31/2019	DECLARATION OF SERVICE - FIDELITY	Public	1
10/31/2019	NOTICE OF APPEARANCE	Public	3
10/31/2019	ORDER GRANTING MOTION FOR TEMPORARY RESTRAINING ORDER	Public	4
11/05/2019	SUPPLEMENTAL STATUS REPORT	Public	2
11/06/2019	NOTICE OF ABSENCE/UNAVAILABILITY	Public	3
11/08/2019	ACCEPTANCE OF SERVICE - THOMPSON	Public	1
11/08/2019	NOTICE OF ABSENCE/UNAVAILABILITY	Public	3
11/08/2019	ACCEPTANCE OF SERVICE	Public	1
11/12/2019	PR'S RESPONSE TO MOTION FOR INJUNCTIVE RELIEF	Public	12
11/12/2019	RESPONSE TO MOTION FOR TRO	Public	3
11/12/2019	DECLARATION OF DANIEL WALK ISO RESPONSE TO MOT TRO	Public	4
11/12/2019	SEALED FINANCIAL SOURCE DOCUMENT	Confidential	46
11/12/2019	CERTIFICATE OF SERVICE	Public	2
11/13/2019	REPLY ISO MOTION FOR TEMP REST ORDER	Public	12
11/13/2019	DECLARATION OF MORGAN K. MADISON	Public	17
11/13/2019	DECLARATION OF AMELIA BESOLA	Public	4
11/13/2019	SEALED PERSONAL HEALTH CARE RECORDS	Confidential	211
11/13/2019	FIDELITY BROKERAGE SERVICES ANSWER	Public	2
11/14/2019	ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER	Public	1
11/20/2019	MOTION FOR DAMAGES, COSTS & ATTORNEYS FEES	Public	7
11/20/2019	DECLARATION OF DANIEL K. WALK ISO MOT DAMAGES, ETC	Public	8
11/20/2019	CERTIFICATE OF SERVICE	Public	2
11/22/2019	SUPPLEMENTAL DECLARATION OF DANIEL K WALK	Public	23
11/26/2019	OPPOSITION TO MOTION FOR DAMAGES AND FEES	Public	10
11/26/2019	DECLARATION OF MORGAN K. MADISON	Public	16
11/26/2019	NOTICE OF WITHDRAWAL AND SUB OF COUNSEL	Public	3
11/26/2019	NOTICE OF ASSOCIATION OF COUNSEL	Public	3
11/27/2019	REPLY ISO MOT FOR DAMAGES, COSTS & FEES	Public	6
11/27/2019	SUPPLEMENTAL DEC DAN WALK ISO MOT DAMAGES	Public	23
12/02/2019	ORDER RE: EXCLUSIVE JURISDICTION	Public	1
12/03/2019	CLERK'S MINUTE ENTRY	Public	2
12/03/2019	LETTER FROM DEPARTMENT 13	Public	1
12/03/2019	REASSIGNED TO DEPT 13	Public	1
12/03/2019	ORDER DENYING FEES / EXONERATING BOND	Public	2
01/03/2020	NOTICE OF WITHDRAWAL AND SUB OF COUNSEL	Public	3
01/03/2020	NOTICE OF ABSENCE/UNAVAILABILITY	Public	3
01/08/2020	NOTICE OF ABSENCE/UNAVAILABILITY	Public	5
02/10/2020	REASSIGNED TO DEPT 18	Public	1
02/11/2020	LETTER FROM DEPARTMENT 18	Public	1
02/24/2020	CLERK'S MINUTE ENTRY	Public	2
02/24/2020	ORDER AMENDING CASE SCHEDULE	Public	2
03/03/2020	COPIES OF EMAIL(S)	Public	11
03/04/2020	ORDER FOR CHANGE OF JUDGE	Public	4
03/05/2020	LETTER FROM DEPARTMENT 12	Public	1
03/05/2020	REASSIGNED TO DEPT 12	Public	2
03/16/2020	LETTER FROM DEPARTMENT 4	Public	1
03/16/2020	REASSIGNED TO DEPT 4	Public	2
04/01/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
04/01/2020	MOTION TO CONSOLIDATE	Public	5

04/01/2020	GUNWALL'S RESPONSE TO TEDRA PETITION	Public	13
04/01/2020	DEC OF DAN WALK RE A. BESOLA'S COMM W/FIDELITY	Public	14
04/01/2020	CONFIRMATION OF SERVICE	Public	2
04/07/2020	RESPONSE OF DR BESOLA	Public	4
04/07/2020	JOINDER BY PR TO MOTION TO CONSOLIDATE	Public	3
04/09/2020	CERTIFICATE OF SERVICE	Public	3
04/10/2020	CLERK'S MINUTE ENTRY	Public	2
04/10/2020	ORDER GRANTING MOTION TO CONSOLIDATE	Public	3
04/20/2020	DR. BESOLA'S REPLY TO COUNTERCLAIMS -PULA & MCGRAW	Public	16
04/20/2020	DR. BESOLA'S REPLY TO PULA'S COUNTERCLAIMS	Public	9
04/20/2020	DR. BESOLA'S RESPONSE TO GUNWALL MTN TO STRIKE	Public	9
04/23/2020	NOTICE OF ASSOCIATION OF COUNSEL	Public	2
04/23/2020	NOTICE RE: EVIDENTIARY RULE (ER904)	Public	10
04/24/2020	RESPONSE TO PETITIONER'S NOTICE RE ER 904	Public	28
04/24/2020	PR'S OBJECTIONS TO AMELIA BESOLA'S ER 904	Public	20
04/24/2020	GUNWALL OBJECTIONS TO PETITIONER'S ER 904	Public	19
04/29/2020	REPLY TO BRANDON GUNWALL COUNTERCLAIM	Public	6
05/01/2020	AFFIDAVIT/DECLARATION OF SERVICE	Public	3
05/07/2020	NOTICE OF ABSENCE/UNAVAILABILITY	Public	4
06/01/2020	NOTICE OF APPEARANCE	Public	4
06/03/2020	NOTICE OF ABSENCE/UNAVAILABILITY	Public	6
06/17/2020	RETURN OF SERVICE	Public	2
06/23/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
06/23/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
06/23/2020	MOTION FOR PROTECTIVE ORDER RE KEVIN CURRY	Public	15
06/23/2020	DECLARATION OF AMELIA BESOLA ISO MTN TO REMOVE	Public	31
06/23/2020	MOTION FOR SERVICE BY MAIL	Public	13
06/23/2020	DECLARATION OF MCNEELY IN SUPPORT	Public	46
06/24/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
06/24/2020	MOTION FOR PROTECTIVE ORDER	Public	10
06/24/2020	AFFIDAVIT/DECLARATION IN SUPPORT	Public	36
06/25/2020	NOTICE OF WITHDRAWAL AND SUB OF COUNSEL	Public	4
06/25/2020	COPY(S) OF EMAIL(S)	Public	2
06/25/2020	COPY(S) OF EMAIL(S)	Public	3
06/26/2020	NOTICE OF ABSENCE/UNAVAILABILITY	Public	6
06/29/2020	BESOLA'S RESPONSE TO PR'S MOTION	Public	7
06/29/2020	DECL OF C. TYLER SHILLITO ISO BESOLA'S RESPONSE	Public	5
06/29/2020	PR'S RESPONSE TO MOT FOR PROTECTIVE ORDER RE CURRY	Public	14
06/29/2020	DECLARATION OF STEPHANIE BLOOMFIELD	Public	23
06/29/2020	CONFIRMATION OF JOINDER OF PARTIES, CLAIMS AND DEFENSES	Public	5
06/30/2020	REPLY IN SUPPORT OF SERVICE VIA MAIL	Public	5
06/30/2020	PETITIONERS REPLY RE PROTECTION ORDER	Public	7
06/30/2020	DECLARATION OF AMELIA BESOLA	Public	7
07/02/2020	CLERK'S MINUTE ENTRY	Public	2
07/02/2020	CLERK'S MINUTE ENTRY	Public	2
07/02/2020	COPY(S) OF EMAIL(S)	Public	2
07/02/2020	ORDER GRANTING ALTERNATIVE SERVICE	Public	2
07/08/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
07/08/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
07/08/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
07/08/2020	PR MOTION TO AMEND ANSWER-COUNTERCLAIMS	Public	6
07/08/2020		Public	36

	DECLARATION OF STEPHANIE BLOOMFIELD		
07/08/2020	MOTION FOR ORDER OF CONTEMPT AGAINST KIRK KELLEY	Public	8
07/08/2020	DECLARATION OF STEPHANIE BLOOMFIELD	Public	20
07/08/2020	AFFIDAVIT/DECLARATION OF NON SERVICE	Public	1
07/08/2020	DECLARATION OF MAILING	Public	6
07/08/2020	MOTION TO SERVE KIRK KELLEY BY MAIL	Public	7
07/08/2020	DECLARATION OF STEPHANIE BLOOMFIELD	Public	31
07/15/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
07/15/2020	MOTION TO COMPEL	Public	15
07/15/2020	DECLARATION OF STEPHANIE BLOOMFIELD	Public	211
07/15/2020	DECLARATION OF ANDREA MCNEELY	Public	14
07/20/2020	SUPPLEMENTAL DECLARATION OF STEPHANIE BLOOMFIELD	Public	23
07/20/2020	COPY(S) OF EMAIL(S)	Public	3
07/20/2020	COPY(S) OF EMAIL(S)	Public	2
07/20/2020	COPY(S) OF EMAIL(S)	Public	4
07/21/2020	OPPOSITION TO PR'S MOTION TO AMEND ANSWER	Public	8
07/21/2020	GUNWALL'S JOINER IN PR'S MOTION TO COMPEL	Public	7
07/21/2020	DECLARATION OF DAN WALK ISO GUNWALL'S JOINER	Public	49
07/21/2020	NOTICE OF APPEARANCE	Public	1
07/21/2020	DECLARATION OF STUART C. MORGAN	Public	11
07/21/2020	NOTICE OF APPEARANCE	Public	1
07/21/2020	AMELIA BESOLAS RESPONSE TO MOTION TO COMPEL	Public	12
07/21/2020	DECLARATION OF C. TYLER SHILLITO	Public	49
07/22/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
07/22/2020	PR'S REPLY IN SUPPORT OF MOTION TO AMEND	Public	6
07/22/2020	REPLY DECL OF STEPHANIE BLOOMFIELD RE MTN TO AMEND	Public	113
07/22/2020	SUPP. DECL. OF STEPHANIE BLOOMFIELD	Public	12
07/22/2020	GUNWALL REPLY TO A. BESOLA'S RESPONSE TO JOINER	Public	7
07/22/2020	SUPPLEMENTAL DEC OF DAN WALK ISO PR MOT TO COMPEL	Public	7
07/22/2020	REPLY RE MOTION TO COMPEL AND FOR SANCTIONS	Public	8
07/22/2020	REPLY DECLARATION OF STEPHANIE BLOOMFIELD	Public	4
07/22/2020	MOTION TO INVALIDATE LEASE	Public	15
07/22/2020	DECLARATION OF STEPHANIE BLOOMFIELD	Public	16
07/24/2020	CLERK'S MINUTE ENTRY	Public	2
07/24/2020	CLERK'S MINUTE ENTRY	Public	2
07/24/2020	CLERK'S MINUTE ENTRY	Public	2
07/24/2020	CLERK'S MINUTE ENTRY	Public	2
07/24/2020	COPY(S) OF EMAIL(S)	Public	2
07/28/2020	AMELIA BESOLA'S RESPONSE TO PR'S PROPOSED ORDER	Public	8
07/28/2020	POSITION ON ESTATE'S MOTION TO INVALIDATE LEASE	Public	12
07/29/2020	DECLARATION OF STUART C. MORGAN	Public	5
07/29/2020	PRS REPLY IN SUPPORT OF MOTION	Public	8
07/29/2020	REPLY DECLARATION OF STEPHANIE BLOOMFIELD	Public	20
07/30/2020	NOTICE OF ABSENCE/UNAVAILABILITY	Public	4
07/31/2020	ORDER DIRECTING APPLICATION FOR SERVICE BY MAIL OR PUBLICATION	Public	2
07/31/2020	CLERK'S MINUTE ENTRY	Public	2
07/31/2020	CLERK'S MINUTE ENTRY	Public	2
07/31/2020	 <b>NOTICE OF ABSENCE/UNAVAILABILITY</b>	Public	4
07/31/2020	ORDER GRANTING PRS MOTION TO AMEND ANSWER & CONTERCLAIM	Public	2
07/31/2020	ORDER GRANTING MOTION TO INVALIDATE LEASE	Public	2
07/31/2020	ORDER COMPELLING DISCOVERY	Public	3
07/31/2020	ORDER OF CONTEMPT	Public	3

08/05/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
08/05/2020	MOTION FOR PROTECTIVE ORDER	Public	9
08/05/2020	DECLARATION OF ELIZABETH THOMPSON	Public	19
08/05/2020	AMENDED ANSWER, COUNTERCLAIMS AND CROSSCLAIM	Public	22
08/07/2020	COPY(S) OF EMAIL(S)	Public	2
08/10/2020	AMD NOTICE OF ABSENCE/UNAVAILABILITY	Public	4
08/11/2020	P'S RESPONSE TO MTN FOR PROTECTIVE ORDER	Public	7
08/11/2020	DECLARATION OF JOSE VERA ISO P'S RSP TO MTN	Public	31
08/11/2020	DECLARATION OF CHAD MCGRAW ISO P'S MTN	Public	18
08/12/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
08/12/2020	REPLY RE MOTION FOR PROTECTION ORDER	Public	8
08/12/2020	PETITIONERS MOTION TO BIFURCATE WILL CONTEST CLAIM	Public	13
08/12/2020	DECLARATION OF AMELIA BESOLA	Public	4
08/12/2020	COPY(S) OF EMAIL(S)	Public	8
08/14/2020	CLERK'S MINUTE ENTRY	Public	2
08/14/2020	COPY(S) OF EMAIL(S)	Public	2
08/14/2020	ORDER RE: SETTING OVER MATTER/ DISCOVERY	Public	6
08/18/2020	AMELIA BESOLA WITNESS LIST	Public	11
08/18/2020	MEMORANDUM IN OPPOSITION TO MOTION	Public	13
08/18/2020	DECLARATION OF ELIZABETH THOMPSON	Public	35
08/18/2020	PR'S RESPONSE TO MOTION TO BIFURCATE	Public	12
08/18/2020	DECLARATION OF STEPHANIE BLOOMFIELD	Public	39
08/18/2020	BRANDON GUNWALL'S RESPONSE TO MOTION TO BIFURCATE	Public	7
08/18/2020	DEC DAN WALK ISO GUNWALL RESPONSE TO MT BIFURCATE	Public	6
08/18/2020	 <b>RESPONSE TO MOTION TO BIFURCATE</b>	Public	8
08/19/2020	AMELIA BESOLA'S REPLY RE MTN TO BIFURCATE	Public	6
08/19/2020	DECLARATION OF JOSE VERA ISO REPLY TO MTN	Public	33
08/19/2020	GUNWALL'S MOTION TO STRIKE AMELIA BESOLA'S REPLY	Public	5
08/20/2020	COPY(S) OF EMAIL(S)	Public	3
08/21/2020	CLERK'S MINUTE ENTRY	Public	2
08/21/2020	NOTICE OF ABSENCE/UNAVAILABILITY	Public	6
08/21/2020	ORDER DENYING MOTION TO BIFURCATE	Public	2
09/14/2020	DISCLOSURE OF WITNESSES	Public	12
09/14/2020	DISCLOSURE OF WITNESSES	Public	14
09/15/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
09/15/2020	 <b>DISCLOSURE OF WITNESSES</b>	Public	12
09/15/2020	DISCLOSURE OF WITNESSES	Public	10
09/15/2020	MOTION TO RECOVER STOCK	Public	11
09/15/2020	AFFIDAVIT/DECLARATION IN SUPPORT	Public	151
09/16/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
09/17/2020	COPY(S) OF EMAIL(S)	Public	2
09/22/2020	 <b>RESPONSE</b>	Public	21
09/22/2020	 <b>DECLARATION OF QUENTIN WILDSMITH ISO RESPONSE</b>	Public	16
09/22/2020	PETITIONER'S RESPONSE TO PR MOTION ON STOCK	Public	6
09/23/2020	DECLARATION OF STUART C. MORGAN	Public	15
09/23/2020	REPLY RE ESTATE'S MOTION TO RECOVER STOCK	Public	9
09/23/2020	REPLY DECLARATION OF ANDREA MCNEELY	Public	26
09/23/2020	REPLY DECLARATION OF STEPHANIE BLOOMFIELD IN SUPPORT	Public	7
09/25/2020	CLERK'S MINUTE ENTRY	Public	2
09/25/2020	ORDER RE: MOTION TO RECOVER SHARES	Public	3
09/30/2020	COPY(S) OF EMAIL(S)	Public	5
10/02/2020	NOTE FOR JUDGES MOTION CALENDAR **SPECIAL SET**	Public	6

10/02/2020	AMENDED NOTICE OF ABSENCE/UNAVAILABILITY	Public	4
10/05/2020	NOTE FOR JUDGES MOTION CALENDAR - SPECIAL SET	Public	2
10/07/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
10/07/2020	MOTION FOR PROTECTIVE ORDER	Public	7
10/07/2020	DECLARATION OF STEPHANIE BLOOMFIELD	Public	53
10/08/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
10/08/2020	MOTION FOR DEFAULT	Public	8
10/08/2020	CERTIFICATE OF SERVICE	Public	4
10/09/2020	NOTE FOR JUDGES MOTION CALENDAR-SPECIAL SET	Public	3
10/09/2020	PR'S MOTION FOR SUMMARY JUDGMENT	Public	29
10/09/2020	DECLARATION OF STEPHANIE BLOOMFIELD	Public	292
10/09/2020	DECLARATION OF JENNIFER ODOM	Public	9
10/09/2020	DECLARATION OF GREGORY LUCAS	Public	35
10/09/2020	DECLARATION OF THOMAS GATES	Public	4
10/09/2020	PETITIONER'S FIRST MOTION FOR SUMMARY JUDGMENT	Public	26
10/09/2020	DECLARATION OF DR. AMELIA BESOLA	Public	97
10/09/2020	DECLARATION OF JOSE VERA ISO PETITIONER'S MOTION	Public	191
10/09/2020	DECLARATION OF JULIA BESOLA	Public	164
10/09/2020	SUPPLEMENTAL DECLARATION OF JOSE VERA	Public	50
10/09/2020	DECLARATION OF AMBER ALLEN ISO PETITIONER'S MOTION	Public	22
10/09/2020	MOTION FOR SUMMARY JUDGMENT	Public	22
10/09/2020	DECLARATION OF BRANDON GUNWALL	Public	7
10/09/2020	DECLARATION OF DANIEL WALK ISO MOT SUMMARY JUDG	Public	134
10/09/2020	CERTIFICATE OF SERVICE	Public	4
10/09/2020	COPY(S) OF EMAIL(S)	Public	2
10/13/2020	NOTICE OF ABSENCE/UNAVAILABILITY	Public	6
10/13/2020	P'S RESPONSE TO ESTATE'S MTN FOR PROTECTIVE ORDER	Public	9
10/14/2020	REPLY IN SUPPORT	Public	6
10/14/2020	COPY(S) OF EMAIL(S)	Public	3
10/15/2020	COPY(S) OF EMAIL(S)	Public	2
10/16/2020	CLERK'S MINUTE ENTRY	Public	2
10/16/2020	PROTECTIVE ORDER (RE: CONFIDENTIAL DISCOVERY DOCUMENTS, NOT RELATED)	Public	2
10/19/2020	EX PARTE PRESENTATION FEE \$40.00	Public	0
10/19/2020	NOTICE OF APPEARANCE	Public	1
10/19/2020	MOTION AND AFFIDAVIT FOR RELEASE OF PROPERTY	Public	3
10/19/2020	ORDER OF DEFICIENCIES	Public	1
10/19/2020	NOTICE OF INTENT TO WITHDRAW	Public	4
10/20/2020	P'S RESPONSE TO MOTION FOR AN ORDER OF DEFAULT	Public	5
10/21/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
10/21/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
10/21/2020	NOTICE OF ATTORNEY CHANGE OF ADDRESS	Public	5
10/21/2020	PR'S MOTION TO COMPEL AND FOR SANCTIONS	Public	8
10/21/2020	DECLARATION OF ANDREA MCNEELY	Public	32
10/21/2020	MOTION FOR ORDER RE ACCTS AT FIDELITY BROKERAGE	Public	7
10/21/2020	DECLARATION OF DAN WALK ISO MOT RE FIDELITY ACCTS	Public	21
10/21/2020	CERTIFICATE OF SERVICE	Public	4
10/21/2020	PERSONAL REPRESENTATIVE'S JOINDER IN MOTION FOR ORDER RE: ACCOUNTS	Public	4
10/22/2020	JOINDER IN PR'S MOTION COMPEL & FOR SANCTIONS	Public	5
10/26/2020	OPPOSITION	Public	17
10/26/2020	JOINDER TO PERSONAL REPRESENTATIVE'S OPPOSITION	Public	11
10/26/2020	AFFIDAVIT/DECLARATION OF COUNSEL IN SUPPORT	Public	28
10/26/2020	JOINDER	Public	7

10/26/2020	P'S RESP TO PR'S MSJ DISMISSING WILL CONTEST	Public	21
10/26/2020	AFFIDAVIT/DECLARATION IN SUPPORT OF MOTION	Public	117
10/26/2020	 <b><u>RESPONSE TO MSJ TO DISMISS CLAIMS AGAINST GUNWALL</u></b>	Public	15
10/26/2020	GUNWALL'S JOINDER IN PR'S OPPOSITION TO PET MSJ	Public	9
10/26/2020	GUNWALL JOINDER IN PR'S MOT SUMMARY JUDGMENT	Public	6
10/26/2020	 <b><u>JOINDER IN PETITIONER'S MSJ</u></b>	Public	4
10/26/2020	 <b><u>RESPONSE TO PR'S MOTION FOR SUMMARY JUDGMENT</u></b>	Public	24
10/27/2020	AFFIDAVIT/DECLARATION IN SUPPORT	Public	4
10/27/2020	NOTICE OF APPEARANCE	Public	3
10/27/2020	NOTICE OF NON-OPPOSITION TO MOTION	Public	3
10/27/2020	RESPONSE	Public	5
10/27/2020	AFFIDAVIT/DECLARATION OF COUNSEL	Public	10
10/27/2020	DECLARATION OF STEPHANIE BODDY	Public	7
10/27/2020	DECLARATION OF SOLI SNYDER	Public	3
10/27/2020	DECLARATION OF RICHARD BUTTS	Public	3
10/27/2020	DECLARATION OF R. MCARTHUR KELLEY	Public	5
10/27/2020	DECLARATION OF MATTHEW BELLAMY	Public	3
10/27/2020	DECLARATION OF LYNNE SNYDER	Public	3
10/27/2020	DECLARATION OF KIRK KELLEY	Public	13
10/27/2020	DECLARATION OF KEN ROBINSON	Public	5
10/27/2020	DECLARATION OF GEORGE MCKAY	Public	3
10/27/2020	DECLARATION OF CINDY EHLKE	Public	4
10/27/2020	DECLARATION OF BROCC SNYDER	Public	3
10/27/2020	DECLARATION OF AMBER ALLEN	Public	19
10/27/2020	DECLARATION OF AMELIA BESOLA	Public	130
10/27/2020	DECLARATION OF JOSE VERA	Public	119
10/27/2020	DECLARATION OF JULIA BESOLA	Public	114
10/27/2020	CORRECTED RESPONSE	Public	28
10/28/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
10/28/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
10/28/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
10/28/2020	REPLY IN SUPPORT	Public	8
10/28/2020	SUPP WALK DECL RE MOTION FOR ORDER RE FIDELITY	Public	11
10/28/2020	MOTION TO RELEASE PROPERTY FOR FORENSIC EXAM	Public	9
10/28/2020	MOTION TO TRANSFER STOCK	Public	7
10/28/2020	DECLARATION OF STEPHANIE BLOOMFIELD	Public	13
10/28/2020	MOTION TO CONTINUE SUMMARY JUDGMENT	Public	7
10/28/2020	DECLARATION OF JOSE F. VERA ISO MTN TO CONT SJ	Public	56
10/28/2020	DECLARATION OF C. TYLER SHILLITO	Public	38
10/30/2020	 <b><u>NOTICE OF ABSENCE/UNAVAILABILITY</u></b>	Public	4
10/30/2020	COPY(S) OF EMAIL(S)	Public	4
10/30/2020	COPY(S) OF EMAIL(S)	Public	2
10/30/2020	ORDER GRANTING MOTION RE FIDELITY SERVICES	Public	3
11/02/2020	PR'S DISCLOSURE OF REBUTTAL WITNESSES	Public	15
11/02/2020	COPY(S) OF EMAIL(S)	Public	5
11/02/2020	PR'S REPLY ISO MOTION FOR SUMMARY JUDGMENT	Public	20
11/02/2020	REPLY DECLARATION OF STEPHANIE BLOOMFIELD	Public	90
11/02/2020	MEMORANDUM IN OPPOSITION TO MOTION	Public	10
11/02/2020	AFFIDAVIT/DECLARATION IN SUPPORT	Public	7
11/02/2020	RESPONSE TO MOTION TO CONTINUE SJ HEARING	Public	10
11/02/2020	 <b><u>JOINDER RE MOTION TO CONTINUE MSJ</u></b>	Public	5
11/02/2020	P'S REPLY RE MOTION FOR SJ	Public	8



11/02/2020	DECLARATION OF JOSE F. VERA ISO REPLY RE MSJ	Public	38
11/02/2020	CONSLTD REPLY ISO SUMJUDG DISMISS CLAIMS AGST GUNW	Public	24
11/02/2020	SUPP DEC DAN WALK ISO GUNWALL'S MOT SUM JUDG	Public	42
11/03/2020	DECLARATION OF DANIEL K WALK IN SUPPORT	Public	46
11/03/2020	GUNWALL JOINDER TO PR RESPONSE MOT CONTINUE	Public	10
11/03/2020	SURREPLY DECLARATION OF ROBERT FLOBERG	Public	15
11/03/2020	AMENDED MOTION RELEASE PROPERTY FOR FORENSIC EXAM	Public	11
11/04/2020	P'S REPLY ISO HER MOTION TO CONT SJ HEARING	Public	9
11/04/2020	DECLARATION OF C. TYLER SHILLITO	Public	33
11/04/2020	DECLARATION OF BLAKE BARR	Public	4
11/05/2020	NOTICE OF UNAVAILABILITY -- MORGAN	Public	4
11/05/2020	COPY(S) OF EMAIL(S)	Public	7
11/05/2020	COPY(S) OF EMAIL(S)	Public	3
11/06/2020	CLERK'S MINUTE ENTRY	Public	2
11/06/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
11/06/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
11/06/2020	COPY(S) OF EMAIL(S)	Public	2
11/06/2020	ORDER OF CONTINUANCE OF SUMMARY JUDGMENT HEARING	Public	4
11/06/2020	ORDER GRANTING MOTION TO DISMISS CLAIMS	Public	5
11/09/2020	RESPONSE TO MOT. TO RELEASE PROPERTY	Public	4
11/10/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
11/10/2020	 <b>RESPONSE</b>	Public	12
11/10/2020	STRICT REPLY AMENDED MOTION RELEASE PROPERTY	Public	4
11/10/2020	AFFIDAVIT/DECLARATION IN SUPPORT	Public	40
11/12/2020	SURREPLY ON STOCK CERTIFICATE TRANSFER	Public	6
11/12/2020	REPLY RE MOTION TO TRANSFER STOCK	Public	6
11/13/2020	AFFIDAVIT/DECLARATION IN SUPPORT	Public	60
11/13/2020	MOTION TO SHORTEN TIME	Public	3
11/13/2020	MOTION FOR ORDER TO SHOW CAUSE	Public	6
11/13/2020	AFFIDAVIT/DECLARATION OF SERVICE	Public	4
11/13/2020	ORDER RE: DIRECTING RELEASE OF CELL PHONE	Public	3
11/13/2020	ORDER GRANTING MOTION TO SHORTEN TIME	Public	3
11/13/2020	ORDER TO SHOW CAUSE	Public	3
11/13/2020	ORDER DENYING MOTION TO RELEASE BULLET	Public	3
11/16/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
11/16/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
11/16/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
11/16/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
11/16/2020	MOTION AND AFFIDAVIT	Public	4
11/16/2020	P'S MOTION TO RECONSIDER ORDER TO CONT SJ HEARING	Public	7
11/16/2020	MOTION FOR RECONSIDERATION	Public	13
11/16/2020	AFFIDAVIT/DECLARATION IN SUPPORT	Public	94
11/16/2020	AFFIDAVIT/DECLARATION IN SUPPORT	Public	7
11/16/2020	MOTION FOR COSTS AND FEES	Public	16
11/16/2020	AFFIDAVIT/DECLARATION IN SUPPORT	Public	110
11/16/2020	COPY(S) OF EMAIL(S)	Public	2
11/17/2020	AFFIDAVIT/DECLARATION IN SUPPORT	Public	40
11/19/2020	RETURN OF SERVICE	Public	3
11/20/2020	ORDER GRANTING MOTION FOR CONTEMPT	Public	4
11/23/2020	ORDER DENYING MOTION FOR RECONSIDERATION	Public	2
11/30/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
11/30/2020	P'S SUPPLEMENTAL RESPONSE TO ESTATE MSJ	Public	64

11/30/2020	MOTION TO CHANGE TRIAL DATE	Public	10
11/30/2020	DECLARATION OF C. TYLER SHILLITO ISO MOTION	Public	4
12/01/2020	OPPOSITION TO GUNWALL'S MOTION FOR ATTY FEES	Public	14
12/01/2020	RESPONSE TO MOTION FOR CR11 SANCTIONS	Public	3
12/01/2020	 <b><u>RESPONSE TO GUNWALL MOTION FOR FEES AND SANCTIONS</u></b>	Public	18
12/01/2020	 <b><u>DECLARATION OF QUENTIN WILDSMITH</u></b>	Public	9
12/01/2020	PETITIONER'S RESPONSE TO MOTION	Public	28
12/01/2020	AFFIDAVIT/DECLARATION OF COUNSEL C TYLER SHILLITO	Public	32
12/01/2020	PETITIONER'S RESPONSE TO MOTION FOR FEES	Public	14
12/01/2020	DECLARATION OF JOSE F VERA IN SUPPORT	Public	66
12/01/2020	 <b><u>RESPONSE TO ESTATE'S MOTION FOR FEES AND COSTS</u></b>	Public	11
12/02/2020	GUNWALL'S REPLY ISO MOT FOR COSTS & FEES	Public	22
12/02/2020	SUPPLEMENTAL DEC OF DAN WALK ISO MOT FEES & COSTS	Public	12
12/02/2020	AMENDED FEE DEC OF DAN WALK ISO MOT FEES & COSTS	Public	37
12/04/2020	CLERK'S MINUTE ENTRY	Public	3
12/04/2020	CLERK'S MINUTE ENTRY	Public	3
12/04/2020	ORDER RE: MOTION TO TRANSFER PROCEEDS	Public	9
12/04/2020	JUDGMENT & ORDER AWARDING ATTORNEY FEES	Public	7
12/04/2020	ORDER SHORTENING TIME / REMOVING PR / APPOINTING SUCCESSOR	Public	4
12/04/2020	NOTICE OF INTENT TO WITHDRAW	Public	5
12/04/2020	NOTICE OF INTENT TO WITHDRAW	Public	4
12/07/2020	ANSWER AND COUNTER CLAIM W/FEE	Public	29
12/07/2020	RESPONSE	Public	5
12/07/2020	MEMORANDUM IN OPPOSITION TO CONTINUANCE	Public	12
12/07/2020	DECLARATION OF ELIZABETH THOMPSON	Public	9
12/07/2020	NOTICE OF MEDIATION	Public	2
12/07/2020	AMELIA BESOLA'S SUPPLEMENTAL WITNESS LIST	Public	5
12/07/2020	BESOLA'S SUPPLEMENTAL RESP TO ESTATE'S MSJ	Public	6
12/08/2020	DECLARATION OF ELIZABETH THOMPSON	Public	11
12/08/2020	RESPONSE TO MOTION TO CONTINUE	Public	9
12/08/2020	DECLARATION OF STEPHANIE BLOOMFIELD	Public	10
12/08/2020	JOINDER	Public	6
12/08/2020	ESTATE'S OBJECTION TO PETITIONER MEDIATION DEMAND	Public	6
12/08/2020	2ND SUPP. REPLY ISO PR'S MOTION FOR SJ	Public	7
12/08/2020	RESPONDENT MCGRAW'S OBJECTIONS TO MEDIATION	Public	10
12/09/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
12/09/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
12/09/2020	NOTICE OF ABSENCE/UNAVAILABILITY	Public	6
12/09/2020	NOTICE OF APPEARANCE ON BEHALF OF PR MICHAEL SMITH	Public	4
12/09/2020	P'S REPLY ON MTN TO CONT TRIAL DATE AND SJ	Public	8
12/09/2020	DECLARATION OF C. TYLER SHILLITO	Public	11
12/09/2020	DECLARATION OF RANDALL KARSTETTER	Public	9
12/09/2020	MOTION TO STRIKE 2ND HANDWRITING EXPERT	Public	8
12/09/2020	DECLARATION OF STEPHANIE BLOOMFIELD	Public	24
12/11/2020	CLERK'S MINUTE ENTRY	Public	4
12/11/2020	NOTE FOR JUDGES MOTION CALENDAR - SPECIAL SET	Public	2
12/11/2020	NOTE FOR JUDGES MOTION CALENDAR - SPECIAL SET	Public	2
12/11/2020	ORDER GRANTING KELLY MCGRAW SUMMARY JUDGMENT DISMISSAL	Public	8
12/11/2020	ORDER DENYING AMELIA BESOLA SUMMARY JUDGMENT & MOTION TO STRIKE	Public	3
12/11/2020	ORDER DENYING MOTION TO CONTINUE TRIAL	Public	2
12/11/2020	ORDER GRANTING PR MOTION FOR SUMMARY JUDGMENT	Public	4
12/11/2020	ORDER GRANTING BRANDON GUNWALL SUMMARY JUDGMENT DISMISSING CLAIMS	Public	6



12/14/2020	NOTE FOR JUDGES MOTION CALENDAR **SPECIAL SET**	Public	2
12/14/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
12/14/2020	MOTION FOR FEES AND COSTS	Public	12
12/14/2020	DECLARATION OF MCGRAW	Public	7
12/14/2020	DECLARATION OF ELIZABETH THOMPSON	Public	8
12/14/2020	AFFIDAVIT/DECLARATION IN SUPPORT OF FEES AND COSTS	Public	16
12/14/2020	MOTION FOR RECONSIDERATION	Public	91
12/14/2020	RECEIPT(S) AMELIA BESOLA PAID \$242183.60	Public	1
12/14/2020	NOTICE OF FILING OF SUPERSEDEAS	Public	4
12/14/2020	NOTICE OF APPEAL W/FEE	Public	26
12/15/2020	NOTE FOR JUDGES MOTION CALENDAR - SPECIAL SET	Public	2
12/15/2020	ORDER OF DISMISSAL GUNWALL COUNTER CLAIM *NUNC PRO TUNC*	Public	2
12/16/2020	TRANSMITTAL LETTER COPY FILED	Public	1
12/21/2020	NOTE FOR JUDGES MOTION CALENDAR	Public	2
12/21/2020	MOTION FOR RECONSIDERATION	Public	5
12/22/2020	 <b><u>NOTE FOR JUDGES MOTION CALENDAR</u></b>	Public	2
12/22/2020	 <b><u>MOTION TO DISQUALIFY</u></b>	Public	23
12/22/2020	 <b><u>AFFIDAVIT/DECLARATION IN SUPPORT</u></b>	Public	8
12/23/2020	DISCLOSURE OF WITNESSES	Public	5
12/28/2020	RESPONSE TO MCGRAW MOTION FOR ATTORNEY FEES	Public	11
12/28/2020	DECLARATION OF C. TYLER SHILLITO ISO RESPONSE	Public	6
12/28/2020	RESPONSE TO MOTION TO STRIKE EXPERT - TRAVER	Public	4
12/28/2020	DECLARATION OF EXPERT TRAVER	Public	26
12/28/2020	DECLARATION OF BRETT BISHOP ISO OF RESPONSE	Public	9
12/29/2020	MCGRAW'S REPLY BRIEF RE ATTORNEYS' FEES	Public	8
12/29/2020	REPLY RE MOTION TO STRIKE 2ND HANDWRITING EXPERT	Public	7
12/29/2020	REPLY DECLARATION OF STEPHANIE BLOOMFIELD	Public	18
12/29/2020	MCGRAW'S RESPONSE TO MOTION TO DISQUALIFY	Public	7
12/29/2020	DECLARATION OF MCGRAW	Public	12
12/31/2020	LETTER FROM COURT OF APPEALS	Public	2
12/31/2020	ORDER GRANTING JUDGMENT RE FEES AND COSTS	Public	7
12/31/2020	ORDER DENYING MOTION RE HANDWRITING EXPERT	Public	3
12/31/2020	ORDER DENYING MOTION RE RECONSIDERATION	Public	4
01/04/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
01/04/2021	MOTION TO AWARD ATTORNEY'S FEES	Public	7
01/04/2021	AFFIDAVIT/DECLARATION IN SUPPORT	Public	14
01/04/2021	ORDER RE: MOTION TO RECONSIDER LIMITED PORTION OF SUMMARY JUDGMENT	Public	3
01/05/2021	PR'S OPPOSITION TO MOTION TO DISQUALIFY AND STRIKE	Public	13
01/05/2021	DECLARATION OF STEPHANIE BLOOMFIELD	Public	30
01/05/2021	DECLARATION OF MICHAEL B. SMITH	Public	5
01/05/2021	RESPONSE TO JBR'S MOTION TO DISQUALIFY	Public	8
01/06/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
01/06/2021	MOTION TO STRIKE	Public	11
01/06/2021	AFFIDAVIT/DECLARATION IN SUPPORT	Public	29
01/06/2021	MCGRAW'S OPPOSITION TO PETITIONER'S MOTION	Public	12
01/06/2021	DECLARATION OF ELIZABETH THOMPSON	Public	13
01/06/2021	 <b><u>REPLY TO OPPOSITION RE MOTION TO DISQUALIFY</u></b>	Public	9
01/06/2021	STRICT REPLY -- JBR'S MOTION TO DISQUALIFY	Public	21
01/08/2021	NOTICE OF APPEAL TO COURT OF APPEALS AMENDED	Public	13
01/08/2021	NOTICE OF APPEARANCE	Public	5
01/08/2021	ORDER GRANTING MOTION TO DISQUALIFY	Public	3
01/11/2021	COPY(S) OF EMAIL(S)	Public	2

01/11/2021	OBJECTIONS TO MOTION	Public	6
01/12/2021	PR OPPOSITION TO PETITIONER'S MOT STRIKE EXPERT	Public	10
01/12/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
01/12/2021	AMELIA BESOLA'S RESP TO MCGRAW'S 2ND MTN FOR FEES	Public	8
01/12/2021	DECLARATION OF C. TYLER SHILLITO	Public	7
01/12/2021	DECLARATION OF ROBERT FLOBERG OPPOSING MOT STRIKE	Public	14
01/12/2021	MOTION FOR RECONSIDERATION	Public	15
01/12/2021	DECLARATION OF MICHAEL SMITH ISO RECONSIDERATION	Public	7
01/12/2021	TRANSMITTAL LETTER COPY FILED	Public	1
01/13/2021	MCGRAW'S REPLY REGARDING ATTORNEYS' FEES AND COSTS	Public	8
01/13/2021	DECLARATION OF ELIZABETH THOMPSON	Public	9
01/13/2021	MCGRAW'S RESPONSE RE CLARIFICATION OF FEES	Public	8
01/13/2021	CERTIFICATE OF SERVICE	Public	2
01/13/2021	CERTIFICATE OF SERVICE	Public	4
01/13/2021	AMELIA BESOLA'S REPLY RE MTN TO STRIKE EXPERT	Public	5
01/13/2021	DECLARATION OF JOSE VERA	Public	37
01/13/2021	DECLARATION OF BRETT BISHOP	Public	12
01/13/2021	PR'S SURREPLY TO EXCLUDE INADMISSIBLE EVIDENCE	Public	6
01/14/2021	DEC OF MIKE SMITH RE CONFESSION OF JUDGMENT	Public	3
01/14/2021	CERTIFICATE OF SERVICE	Public	4
01/14/2021	NOTICE OF LITIGANT CHANGE OF ADDRESS	Public	1
01/15/2021	COPY(S) OF EMAIL(S)	Public	2
01/15/2021	ORDER DENYING MOTION TO STRIKE EXPERT	Public	3
01/15/2021	JUDGMENT & ORDER GRANTING FEES & COSTS	Public	6
01/19/2021	DECLARATION OF GREGORY D. LUCAS	Public	3
01/19/2021	COPY(S) OF EMAIL(S)	Public	3
01/19/2021	ORDER DENYING MOTION TO RECONSIDER	Public	2
01/20/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
01/20/2021	P'S 2ND MTN TO CONT TRIAL DATE AND DISCOVERY	Public	9
01/20/2021	DECLARATION OF C. TYLER SHILLITO ISO 2ND MOTION	Public	29
01/20/2021	DECLARATION OF RANDALL KARSTETTER ISO 2ND MTN	Public	6
01/22/2021	NOTICE OF APPEARANCE	Public	1
01/22/2021	COPY(S) OF EMAIL(S)	Public	2
01/25/2021	RESPONSE OF MCGRAW RE CONTINUANCE	Public	8
01/26/2021	ADMINISTRATOR'S OPPOSITION TO 2ND MOT CONT. TRIAL	Public	8
01/26/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
01/26/2021	PERFECTION NOTICE FROM COURT OF APPEALS	Public	3
01/26/2021	DECLARATION OF DANIEL WALK RE 2ND MOT CONT TRIAL	Public	6
01/26/2021	DECLARATION OF KATHLEEN PIERCE RE 2ND MOT CONT	Public	8
01/26/2021	CERTIFICATE OF SERVICE	Public	4
01/26/2021	 <b>JOINDER</b>	Public	4
01/26/2021	MOTION FOR PROTECTIVE ORDER	Public	13
01/26/2021	DECLARATION OF MCGRAW	Public	9
01/26/2021	DECLARATION OF ELIZABETH THOMPSON	Public	11
01/27/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
01/27/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
01/27/2021	REPLY IN SUPPORT	Public	7
01/27/2021	DECLARATION OF C. TYLER SHILLITO	Public	12
01/27/2021	MOTION FOR CONTEMPT AGAINST AMELIA BESOLA	Public	6
01/27/2021	AFFIDAVIT/DECLARATION IN SUPPORT	Public	17
01/27/2021	MOTION TO DISMISS MCGRAW COUNTERCLAIMS	Public	9
01/27/2021	DECLARATION OF STUART C. MORGAN	Public	28

01/29/2021	SUPPLEMENTAL DECL OF C. TYLER SHILLITO	Public	6
01/29/2021	SUPPLEMENTAL POSSIBLE WITNESS LIST	Public	8
01/29/2021	ORDER DENYING MOTION TO CONTINUE	Public	5
02/01/2021	NOTICE OF ISSUE "SPECIAL SET"	Public	2
02/01/2021	MCGRAW'S RESPONSE TO MOTION TO DISMISS	Public	13
02/01/2021	DECLARATION OF ELIZABETH THOMPSON	Public	35
02/01/2021	P'S MTN FOR CRT ISSUED SDT KING STREET LABS	Public	16
02/02/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
02/02/2021	P'S RESP ON MOTION FOR CONTEMPT - AMELIA BESOLA	Public	6
02/02/2021	DECLARATION OF C. TYLER SHILLITO	Public	24
02/02/2021	NOTICE RE: EVIDENTIARY RULE (ER904)	Public	5
02/02/2021	DECLARATION OF KEVIN STEINACKER RE FORMSWIFT	Public	4
02/02/2021	DECLARATION OF ELIZABETH THOMPSON	Public	9
02/02/2021	RESPONSE TO MCGRAW MOTION FOR PO	Public	11
02/02/2021	DECLARATION OF STUART C. MORGAN	Public	163
02/02/2021	ADMINISTRATOR'S RESPONSE RE SUBPOENA TO FORMSWIFT	Public	6
02/02/2021	DEC KATHLEEN PIERCE RE PETITIONER'S SUBPOENA	Public	16
02/02/2021	DEC DANIEL WALK RE SUBPOENA TO FORMSWIFT	Public	6
02/02/2021	WITNESS LIST	Public	14
02/02/2021	 <b><u>DISCLOSURE OF WITNESSES</u></b>	Public	8
02/02/2021	COPY(S) OF EMAIL(S)	Public	3
02/02/2021	COPY(S) OF EMAIL(S)	Public	4
02/02/2021	COPY(S) OF EMAIL(S)	Public	3
02/03/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
02/03/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
02/03/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
02/03/2021	REPLY IN SUPPORT	Public	6
02/03/2021	MCGRAW'S REPLY RE PROTECTIVE ORDER	Public	8
02/03/2021	REPLY	Public	7
02/03/2021	MOTION TO BIFURCATE ISSUES FOR TRIAL	Public	8
02/03/2021	DECLARATION OF MICHAEL SMITH ISO MOT BIFURCATE	Public	6
02/03/2021	DECLARATION OF KATHLEEN PIERCE ISO MOT BIFURCATE	Public	17
02/03/2021	P'S MTN CONCERNING THE ORDER OF THE TRIAL	Public	7
02/03/2021	MOTION IN LIMINE	Public	17
02/03/2021	DECLARATION OF KATHLEEN E PIERCE IN SUPPORT	Public	35
02/03/2021	COPY(S) OF EMAIL(S)	Public	3
02/04/2021	DECLARATION OF DAN WALK RE MOTION IN LIMINE	Public	8
02/04/2021	MCGRAW'S JOINDER IN MOTION TO BIFURCATE	Public	6
02/04/2021	DECLARATION OF ANDREA H. BREWER	Public	6
02/04/2021	DECLARATION OF STUART C. MORGAN RE FORMSWIFT	Public	135
02/04/2021	AFFIDAVIT OF OPPOSITION	Public	7
02/04/2021	SUPPLEMENTAL DECLARATION OF ANDREA H. BREWER	Public	8
02/04/2021	ESTATE'S OBJECTIONS TO PETITIONER'S 2ND ER 904 NTC	Public	3
02/05/2021	NOTICE OF APPEARANCE	Public	1
02/05/2021	CORRECTION TO NOTICE OF APPEARANCE	Public	33
02/05/2021	COPY(S) OF EMAIL(S)	Public	3
02/05/2021	JUDICIAL SUBPOENA DUCES TECUM RE KING STREET LABS	Public	16
02/05/2021	ORDER GRANTING IN PART MOTION FOR PROTECTIVE ORDER	Public	4
02/05/2021	ORDER GRANTING MOTION FOR SUBPOENA	Public	4
02/05/2021	ORDER DENYING MOTION TO DISMISS COUNTERCLAIMS	Public	3
02/09/2021	OPPOSITION TO MOTION TO BIFURCATE TRIAL	Public	7
02/09/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2

02/09/2021	NOTICE OF ISSUE "DAY OF TRIAL"	Public	2
02/09/2021	PETITIONER'S RESPONSE TO MOTION FOR BIFURCATE	Public	8
02/09/2021	PETITIONER'S RESPONSE TO ADMIN'S MIL	Public	11
02/09/2021	AFFIDAVIT/DECLARATION OF COUNSEL IN SUPPORT	Public	24
02/09/2021	ADMINISTRATOR'S RESPONSE TO MOT RE ORDER OF TRIAL	Public	6
02/09/2021	AFFIDAVIT/DECLARATION OF COUNSEL IN SUPPORT	Public	19
02/09/2021	MOTION IN LIMINE	Public	6
02/09/2021	DECLARATION OF C. TYLER SHILLITO	Public	17
02/09/2021	P'S MTN CONCERNING WITNESS APPEAR AND MTN TO CONT	Public	9
02/10/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
02/10/2021	REPLY IN SUPPORT OF ADMIN'S MOTION IN LIMINE	Public	12
02/10/2021	ADM'S REPLY ISO MOTION TO BIFURCATE ISSUES	Public	8
02/10/2021	DECLARATION OF KATHLEEN PIERCE ISO MOT BIFURCATE	Public	14
02/10/2021	DECLARATION OF JOSE F. VERA ISO MIL	Public	33
02/10/2021	DR. AMELIA BESOLA'S MIL	Public	11
02/11/2021	NOTICE RE: EVIDENTIARY RULE (ER904)	Public	3
02/11/2021	ADMIN'S OBJECTION TO 1ST AMD PETITIONER 904 NOTICE	Public	10
02/12/2021	NOTICE OF ABSENCE/UNAVAILABILITY	Public	4
02/12/2021	COPY(S) OF EMAIL(S)	Public	2
02/12/2021	ORDER GRANTING MOTION TO BIFURCATE	Public	4
02/12/2021	ORDER ON MOTION IN LIMINE	Public	5
02/16/2021	RESPONSE IN OPPOSITION PET'S MOT RE WITNESSES/CONT	Public	13
02/16/2021	DECLARATION OF DAN WALK ISO OPP MOT RE WITNESSES	Public	21
02/17/2021	OPPOSITION TO PET'S MOTION IN LIMINE EXCLD EXPERT	Public	12
02/17/2021	ADMIN'S RESPONSE TO PET'S MOT IN LIMINE RE WITNESS	Public	6
02/17/2021	RETURN OF SERVICE	Public	2
02/17/2021	RETURN OF SERVICE	Public	2
02/17/2021	RETURN OF SERVICE	Public	5
02/17/2021	RETURN OF SERVICE	Public	2
02/17/2021	 <b>TRIAL BRIEF - RESPONDENT J. BESOLA-ROBINSON</b>	Public	12
02/17/2021	DECLARATION OF DAN WALK ISO ADMIN OPP MOT LIMINE	Public	36
02/17/2021	DECLARATION OF STEPHANIE BLOOMFIELD	Public	26
02/17/2021	TRIAL BRIEF - PULA AND MCGRAW	Public	4
02/17/2021	P'S REPLY ISO MTN CONCERNING WIT AND TRIAL DATE	Public	11
02/17/2021	DECLARATION OF C. TYLER SHILLITO	Public	11
02/17/2021	TRIAL BRIEF	Public	16
02/17/2021	TRIAL BRIEF	Public	15
02/18/2021	SURREPLY RE 3RD MOTION FOR CONTINUANCE	Public	6
02/18/2021	SUPP DEC OF DAN WALK RE PET'S 3RD MOT CONTINUE	Public	4
02/18/2021	DECLARATION OF CHERRY DALRYMPLE	Public	5
02/18/2021	DECLARATION OF NON-SERVICE - TYE GOETZ	Public	4
02/18/2021	AFFIDAVIT/DECLARATION OF NON SERVICE *JEANETTE SKINNER*	Public	4
02/18/2021	CERTIFICATE OF SERVICE	Public	4
02/18/2021	P'S REPLY RE MTN TO STRIKE EXPERT FLOBERG	Public	7
02/18/2021	DECLARATION OF BRETT BISHOP	Public	56
02/18/2021	COPY(S) OF EMAIL(S)	Public	2
02/19/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
02/19/2021	MOTION TO INTERVENE CR19	Public	23
02/19/2021	ORDER RE: MOTION CONCERNING WITNESS APPEARANCE	Public	5
02/19/2021	ORDER OF DISMISSAL OF MCGRAW COUNTERCLAIMS	Public	3
02/22/2021	TRIAL BRIEF - PULA SUPPLEMENTAL	Public	7
02/22/2021	ESTATE'S JOINDER IN SUPP TRIAL BRIEF OF ERIC PULA	Public	4

02/22/2021	JOINDER IN SUPPLEMENTAL TRIAL BRIEF OF ERIC PULA	Public	5
02/22/2021	DEPOSITION OF OF ROBYN M PETERSON	Public	55
02/23/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
02/24/2021	COPY OF SUBPOENA DUCES TECUM - KING STREET LABS	Public	8
02/24/2021	DEPOSITION OF BRETT M D BISHOP	Public	76
02/25/2021	DESIGNATION OF CLERK'S PAPERS	Public	7
02/25/2021	DEPOSITION OF OF AMBER E ALLEN	Public	410
02/26/2021	NOTICE OF ABSENCE/UNAVAILABILITY	Public	4
02/26/2021	COPY(S) OF EMAIL(S)	Public	2
03/01/2021	PULA'S OPPOSITION TO MOTION TO INTERVENE	Public	3
03/01/2021	OPPOSITION TO MOTION TO INTERVENE CORRECTED TITLE	Public	3
03/01/2021	RESPONSE TO PULA SUPPLEMENTAL TRIAL BRIEF	Public	8
03/02/2021	EST'S JOINDER IN PULA'S OPPOSITION MOT INTERVENE	Public	4
03/02/2021	WITNESS RECORD	Public	1
03/02/2021	EXHIBITS RECEIVED IN VAULT	Public	10
03/03/2021	CLERK'S MINUTE ENTRY	Public	8
03/03/2021	EXHIBIT NOTEBOOK CERTIFICATION	Public	2
03/03/2021	NOTICE OF ABSENCE/UNAVAILABILITY	Public	4
03/03/2021	COPY(S) OF EMAIL(S)	Public	2
03/04/2021	NOTICE OF ABSENCE/UNAVAILABILITY	Public	5
03/04/2021	COPY(S) OF EMAIL(S)	Public	3
03/05/2021	ORDER RE: WILL EX. 229	Public	3
03/12/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
03/12/2021	MOTION FOR RECONSIDERATION	Public	10
03/12/2021	DECLARATION OF ANDREA H. BREWER	Public	42
03/12/2021	MOTION TO SHORTEN TIME	Public	6
03/12/2021	COPY(S) OF EMAIL(S)	Public	2
03/17/2021	MCGRAW'S OPPOSITION TO MOTION TO SHORTEN TIME	Public	7
03/17/2021	BESOLA'S OBJECTIONS TO ENTRY OF FINDINGS OF FACT	Public	5
03/18/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
03/19/2021	SUPP DECL OF ANDREA BREWER ISO P'S MTN	Public	44
03/19/2021	MOTION TO SHORTEN TIME	Public	6
03/19/2021	RESPONSE TO MOTION TO SHORTEN TIME	Public	2
03/19/2021	MCGRAW'S JOINDER IN PULA'S RESPONSE	Public	5
03/24/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
03/24/2021	P'S MTN FOR OSC AGAINST ROBYN PETERSON	Public	10
03/29/2021	COPY(S) OF EMAIL(S)	Public	3
03/30/2021	ADM'S RESPONSE TO MOTION FOR ORDER TO SHOW CAUSE	Public	11
03/30/2021	DECLARATION OF K PIERCE ISO ADM RESPONSE	Public	11
03/30/2021	RESPONSE TO MOTION FOR ORDER TO SHOW CAUSE	Public	7
03/30/2021	RESPONSE TO PROPOSED FFCL - PULA	Public	2
03/30/2021	 <b><u>JOINDER WITH OBJECTION</u></b>	Public	4
03/30/2021	P'S OBJECTIONS TO PROPOSED FINDINGS OF FACT	Public	37
03/31/2021	P'S STRICT REPLY ISO MTN FOR OSC	Public	6
03/31/2021	DECLARATION OF C. TYLER SHILLITO	Public	25
03/31/2021	RETURN OF SERVICE	Public	2
04/02/2021	ORDER RE: REOPENING TRIAL	Public	3
04/02/2021	ORDER DENYING MOTION TO SHOW CAUSE / ROBYN PETERSON	Public	3
04/07/2021	NOTICE OF ABSENCE/UNAVAILABILITY	Public	4
04/27/2021	LETTER FROM JEFFREY EDWIN SWENSON	Public	2
05/05/2021	NOTICE OF ABSENCE/UNAVAILABILITY	Public	4
05/06/2021	NOTICE RE: EVIDENTIARY RULE (ER904) - SUPPLEMENT	Public	5




05/12/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
05/12/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
05/12/2021	MOTION TO CONTINUE	Public	11
05/12/2021	DECLARATION OF ANDREA H. BREWER	Public	121
05/12/2021	DECLARATION OF RANDALL KARSTETTER	Public	6
05/12/2021	RETURN OF SERVICE	Public	2
05/12/2021	AFFIDAVIT/DECLARATION OF SERVICE	Public	1
05/12/2021	RETURN OF SERVICE	Public	2
05/12/2021	MOTION TO COMPEL DEPOSITION OF ROBYN PETERSON	Public	9
05/12/2021	DECLARATION OF STUART C. MORGAN	Public	29
05/14/2021	DECLARATION OF JOSE VERA ONE OF FIVE	Public	10
05/14/2021	DECLARATION OF JOSE VERA TWO OF FIVE	Public	6
05/14/2021	DECLARATION OF JOSE VERA THREE OF FIVE	Public	23
05/14/2021	DECLARATION OF JOSE VERA FOUR OF FIVE	Public	14
05/14/2021	DECLARATION OF JOSE VERA FIVE OF FIVE	Public	18
05/14/2021	COPY(S) OF EMAIL(S)	Public	2
05/18/2021	OPPOSITION OF MCGRAW TO MOT COMPEL DEP R. PETERSON	Public	11
05/18/2021	RESPONSE IN OPPOSITION	Public	16
05/18/2021	RESPONSE OF MCGRAW TO MOT CONTINUE JUNE 7 TRIAL	Public	12
05/18/2021	DECLARATION OF ROBYN PETERSON	Public	10
05/18/2021	RESPONSE TO MOTION TO COMPEL	Public	6
05/18/2021	ESTATE'S RESPONSE TO MOTS CONT TRIAL & COMPEL	Public	3
05/18/2021	CERTIFICATE OF SERVICE	Public	4
05/19/2021	STRICT REPLY -- PULA AND MCGRAW RE COMPEL	Public	5
05/19/2021	DECLARATION OF STUART C. MORGAN RE PULA AND MCGRAW	Public	11
05/19/2021	PRAECIPE TO DECLARATION OF STUART MORGAN	Public	9
05/19/2021	P'S REPLY ON MTN TO CONT TRIAL DATE AND EXT DISC	Public	5
05/19/2021	STRICT REPLY -- ROBYN PETERSON MATERIALS	Public	7
05/19/2021	DECLARATION OF JOSE F. VERA RE REPLY	Public	34
05/19/2021	DECLARATION OF LYNDIA J. ALLEN	Public	4
05/19/2021	AFFIDAVIT/DECLARATION OF SERVICE	Public	3
05/19/2021	APPELLANTS AMENDED DESIGNATION OF CLERK'S PAPERS	Public	8
05/19/2021	AFFIDAVIT/DECLARATION OF SERVICE	Public	2
05/20/2021	SUPPLEMENTAL DECLARATION OF STUART C. MORGAN	Public	60
05/20/2021	MCGRAW'S RESPONSE TO SUPPL ER 904	Public	6
05/20/2021	CLERK'S PAPERS PREPARED	Public	8
05/20/2021	DECLARATION OF JOSE VERA RE MAY 19, 2021 EMAIL	Public	4
05/20/2021	OBJECTION RE DECLARATIONS OF ALLEN AND VERA	Public	3
05/21/2021	CLERK'S MINUTE ENTRY	Public	2
05/21/2021	COPY(S) OF EMAIL(S)	Public	2
05/21/2021	CLERK'S PAPERS SENT	Public	1
05/21/2021	ORDER RE: MOTION TO CONTINUE TRIAL	Public	3
05/27/2021	AFFIDAVIT/DECLARATION OF SERVICE	Public	2
05/27/2021	AFFIDAVIT/DECLARATION OF SERVICE - REFILED	Public	3
05/28/2021	CLERK'S MINUTE ENTRY	Public	2
05/28/2021	ORDER GRANTING MOTION TO COMPEL VIDEO DEPOSITION OF ROBYN PETERSON	Public	9
06/07/2021	LETTER WITH ENCLOSURES FROM JEFFREY SWENSON	Public	4
06/24/2021	NOTICE OF INTENT TO WITHDRAW	Public	4
06/28/2021	NOTICE OF ATTORNEY CHANGE OF ADDRESS	Public	5
07/02/2021	NOTICE OF APPEARANCE	Public	5
07/07/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
07/07/2021	MOTION TO STRIKE	Public	9






07/07/2021	DECLARATION OF ANDREA H. BREWER	Public	38
07/08/2021	RETURN OF SERVICE	Public	2
07/12/2021	MCGRAW'S RESPONSE TO PETITIONER'S MOTION TO STRIKE	Public	9
07/12/2021	RETURN OF SERVICE	Public	2
07/12/2021	DECLARATION OF NON SERVICE	Public	5
07/13/2021	ADMINISTRATOR'S OPPOSITION TO MOTION TO STRIKE	Public	14
07/13/2021	RESPONSE TO MOTION TO STRIKE -- PULA	Public	3
07/13/2021	DECLARATION OF SAMUEL J. DART	Public	20
07/13/2021	NOTICE OF ATTORNEY CHANGE OF ADDRESS	Public	2
07/14/2021	AFFIDAVIT OF NON SERVICE	Public	2
07/14/2021	P'S REPLY ISO MOTION TO STRIKE	Public	8
07/14/2021	DECLARATION OF ANDREA H. BREWER	Public	56
07/16/2021	CLERK'S MINUTE ENTRY	Public	2
07/16/2021	MOTION FOR ORDER TO SHOW CAUSE	Public	8
07/16/2021	ORDER TO SHOW CAUSE - ROBYN PETERSON	Public	3
07/16/2021	ORDER GRANTING MOTION TO RESCHEDULE	Public	9
07/20/2021	RETURN OF SERVICE	Public	2
08/02/2021	NOTICE OF ABSENCE/UNAVAILABILITY	Public	6
08/03/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
08/03/2021	MOT TO MODIFY JULY 16, 21 PROTECTIVE ORDER	Public	6
08/03/2021	DECLARATION OF ANDREA H. BREWER	Public	4
08/09/2021	COPY(S) OF EMAIL(S)	Public	2
08/10/2021	MOTION TO SHORTEN TIME	Public	5
08/10/2021	RESPONSE OF ADMINISTRATOR TO MOTION TO MODIFY PO	Public	8
08/10/2021	DECLARATION OF SAMUEL DART ISO ADMIN'S RESPONSE	Public	6
08/10/2021	ORDER GRANTING MOTION TO SHORTEN TIME	Public	3
08/11/2021	P'S REPLY ISO MTN TO MODIFY JULY 16, 2021	Public	5
08/11/2021	COPY(S) OF EMAIL(S)	Public	5
08/13/2021	 <b><u>NOTICE OF ABSENCE/UNAVAILABILITY</u></b>	Public	4
08/13/2021	SEALED ENVELOPE NOT SCANNED	Sealed	
08/13/2021	DECLARATION OF RECORDS CUSTODIAN-FORMSWIFT	Sealed	19
08/13/2021	ORDER DENYING W/O PREJUDICE MOTION TO MODIFY	Public	3
08/13/2021	ORDER SEALING DOCUMENT	Public	1
08/19/2021	COPY(S) OF EMAIL(S)	Public	4
08/20/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
08/20/2021	MOTION TO UNSEAL FORMSWIFT DOCUMENTS	Public	5
08/20/2021	DECLARATION OF STUART C. MORGAN	Public	4
08/27/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
08/27/2021	MOTION TO DISMISS	Public	16
08/27/2021	AFFIDAVIT/DECLARATION IN SUPPORT	Public	51
09/03/2021	CLERK'S MINUTE ENTRY	Public	2
09/03/2021	CLERK'S MINUTE ENTRY	Public	2
09/03/2021	ORDER DENYING MOTION TO UNSEAL DOCUMENTS	Public	3
09/08/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
09/08/2021	MOTION TO MODIFY PROTECTIVE ORDER	Public	3
09/09/2021	MCGRAW'S JOINDER IN MOTION TO MODIFY	Public	7
09/09/2021	NOTICE OF INTENT TO WITHDRAW	Public	2
09/09/2021	NOTICE OF INTENT TO WITHDRAW	Public	2
09/10/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
09/10/2021	MOTION TO VACATE	Public	11
09/10/2021	AFFIDAVIT/DECLARATION OF COUNSEL	Public	37
09/14/2021	RESPONSE TO MOTION TO DISMISS	Public	5

09/14/2021	DECLARATION OF KEVIN STEINACKER	Public	10
09/14/2021	DISCHARGED ADMINISTRATOR'S RESPONSE	Public	5
09/14/2021	DISCHARGED ADMINISTRATOR'S REPLY TO RESPONSE	Public	7
09/16/2021	DECLARATION OF C. TYLER SHILLITO	Public	3
09/17/2021	CLERK'S MINUTE ENTRY	Public	2
09/17/2021	MOTION TO VACATE ORDER ADMITTING WILL	Sealed	13
09/17/2021	DECLARATION OF ANDREA BREWER	Public	180
09/17/2021	ORDER TO SHOW CAUSE	Public	3
09/17/2021	ORDER GRANTING IN PART MOTION FOR DISCOVERY / SANCTIONS	Public	4
09/17/2021	ORDER SEALING DOCUMENT	Public	1
09/20/2021	NOTICE OF ABSENCE/UNAVAILABILITY	Public	6
09/20/2021	COPY(S) OF EMAIL(S)	Public	2
09/20/2021	ORDER DENYING RECONSIDERATION	Public	2
09/21/2021	NOTICE OF DISCRETIONARY REVIEW WITH FEE	Public	10
09/22/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
09/22/2021	MOTION FOR PROTECTIVE ORDER	Public	8
09/22/2021	AFFIDAVIT/DECLARATION IN SUPPORT	Public	20
09/24/2021	TRANSMITTAL LETTER COPY FILED	Public	1
09/28/2021	MCGRAW'S OPPOSITION TO MOTION TO VACATE	Sealed	11
09/28/2021	DECLARATION OF ELIZABETH THOMPSON	Sealed	6
09/28/2021	RESPONSE TO MOTION TO VACATE	Sealed	4
09/28/2021	RESPONSE TO PETITIONER'S MOTION TO VACATE	Sealed	9
09/29/2021	PETITIONER'S REPLY IN SUPPORT	Sealed	6
09/30/2021	2ND SUPPLE NOTICE RE: EVIDENTIARY RULE (ER904)	Public	3
09/30/2021	PERFECTION NOTICE FROM COURT OF APPEALS	Public	3
09/30/2021	ACCEPTANCE OF SERVICE	Public	2
09/30/2021	AFFIDAVIT/DECLARATION OF SERVICE	Public	3
09/30/2021	ACCEPTANCE OF SERVICE	Public	2
09/30/2021	ACCEPTANCE OF SERVICE	Public	2
09/30/2021	AMENDED PERFECTION NOTICE FROM COURT OF APPEALS	Public	2
10/01/2021	CLERK'S MINUTE ENTRY	Public	2
10/01/2021	AFFIDAVIT/DECLARATION OF SERVICE	Public	1
10/01/2021	RETURN OF SERVICE	Public	2
10/01/2021	RETURN OF SERVICE	Public	2
10/01/2021	RETURN OF SERVICE	Public	2
10/01/2021	RETURN OF SERVICE	Public	2
10/01/2021	ORDER DENYING MOTION TO VACATE	Public	3
10/01/2021	ORDER MODIFYING PROTECTIVE ORDER	Public	4
10/04/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
10/04/2021	RENEWED MOTION TO DISMISS COUNTERCLAIMS	Public	17
10/04/2021	DECLARATION OF SCM ISO RENEWED MOTION TO DISMISS	Public	4
10/12/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
10/12/2021	ORDER SEALING DOCUMENTS	Public	7
10/13/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
10/13/2021	MTN TO ADMIT DECL OF RECS CUSTODIAN FOR FORMSWIFT	Public	7
10/14/2021	RESPONSE TO PETITIONER'S ER 904	Public	3
10/14/2021	PULA'S RESPONSE TO PETITIONER'S ER 904	Public	3
10/15/2021	COPY(S) OF EMAIL(S)	Public	2
10/18/2021	MCGRAW'S RESPONSE TO PETITIONER'S MOTION	Public	13
10/19/2021	RESPONSE TO MOTION TO DISMISS	Public	2
10/19/2021	RESPONSE TO MOTION TO ADMIT DECLARATION	Public	3
10/20/2021		Public	2



	NOTE FOR JUDGES MOTION CALENDAR		
10/20/2021	STRICT REPLY -- RENEWED MOTION TO DISMISS CCS	Public	7
10/20/2021	DECLARATION OF STUART C. MORGAN	Public	14
10/20/2021	 <b>JOINDER</b>	Public	5
10/20/2021	REPLY IN SUPPORT	Public	8
10/20/2021	DECLARATION OF C. TYLER SHILLITO	Public	68
10/20/2021	PETITIONERS MOTION CONCERNING WITNESS APPEARANCE AT TRIAL	Public	7
10/20/2021	DECLARATION OF C. TYLER SHILLITO	Public	14
10/21/2021	SUPPLEMENTAL DECLARATION OF STUART C. MORGAN	Public	5
10/21/2021	COPY(S) OF EMAIL(S)	Public	5
10/22/2021	CLERK'S MINUTE ENTRY	Public	2
10/22/2021	CLERK'S MINUTE ENTRY	Public	2
10/22/2021	AFFIDAVIT/DECLARATION OF SERVICE	Public	1
10/22/2021	AFFIDAVIT/DECLARATION OF SERVICE	Public	1
10/22/2021	RETURN OF SERVICE	Public	2
10/22/2021	RETURN OF SERVICE	Public	2
10/22/2021	ORDER OF DISMISSAL OF COUNTERCLAIMS	Public	10
10/22/2021	ORDER GRANTING MOTION TO ADMIT DECLARATION FROM FORMSWIFT	Public	4
10/26/2021	COPY(S) OF EMAIL(S)	Public	3
10/29/2021	P'S SUPPLE TRIAL BRIEF	Public	6
11/01/2021	TRIAL BRIEF - PULA SUPPLEMENTAL	Public	6
11/01/2021	MEMORANDUM RE EVIDENTIARY OBJECTIONS	Public	4
11/01/2021	MCGRAW'S JOINDER IN PULA'S TRIAL BRIEF	Public	6
11/01/2021	ESTATE ADMIN'S SUPPLEMENTAL TRIAL BRIEF	Public	10
11/01/2021	MOTION IN LIMINE	Public	8
11/01/2021	SUPPLEMENTAL JOINT STATEMENT OF EVIDENCE	Public	6
11/02/2021	EXHIBIT CERTIFICATION	Public	2
11/02/2021	CLERK'S MINUTE ENTRY	Public	4
11/02/2021	WITNESS RECORD	Public	2
11/02/2021	ORDER SEALING EXHIBIT	Public	1
11/02/2021	EXHIBITS RECEIVED IN VAULT	Public	12
11/03/2021	NOTICE OF ISSUE "SPECIAL SET"	Public	2
11/04/2021	NOTE OF ISSUE	Public	2
11/04/2021	NOTICE OF ISSUE "SPECIAL SET"	Public	2
11/04/2021	NOTICE OF APPEARANCE SPECIAL/LIMITED	Public	3
11/04/2021	MOTION TO QUASH SUBPOENA AND FOR PROTECTIVE ORDER	Public	3
11/04/2021	DECLARATION OF GREGORY D LUCAS	Public	4
11/04/2021	MOTION TO SHORTEN TIME	Public	3
11/05/2021	CLERK'S MINUTE ENTRY	Public	2
11/05/2021	ORDER SHORTENING TIME	Public	1
11/08/2021	DISCHARGED ADMINISTRATOR'S OPPOSITION	Public	6
11/08/2021	CLERK'S MINUTE ENTRY	Public	2
11/08/2021	NOTICE TO STRIKE GREGORY LUCAS AS A WITNESS	Public	5
11/09/2021	 <b>NOTE FOR JUDGES MOTION CALENDAR</b>	Public	2
11/09/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
11/09/2021	RESPONSE TO PROPOSED FFCL - PULA	Public	26
11/09/2021	MCGRAW'S JOINDER REGARDING FOFF AND COFL	Public	6
11/09/2021	RESPONSE TO ENTRY OF FINDINGS AND CONCLS. OF LAW	Public	22
11/09/2021	 <b>MOTION FOR ATTORNEYS' FEES AND COSTS</b>	Public	8
11/09/2021	MOTION FOR ATTORNEYS' FEES AND COSTS	Public	7
11/09/2021	NOTICE OF INTENT TO WITHDRAW	Public	2
11/10/2021	REPLY IN SUPPORT	Public	24

11/10/2021	COPY(S) OF EMAIL(S)	Public	3
11/12/2021	ORDER DENYING MOTION TO QUASH	Public	3
11/12/2021	ORDER DIRECTING ERIC PULA TO PROVIDE HIS COUNSEL WITH RESIDENCE ADDRESS	Public	3
11/16/2021	RESPONSE TO MOTION FOR FEES	Public	3
11/16/2021	RESPONSE TO MOTIONS FOR AWARD OF FEES & COSTS	Public	6
11/16/2021	NOTICE OF LITIGANT CHANGE OF ADDRESS	Public	1
11/17/2021	REPLY IN SUPPORT	Public	5
11/17/2021	 <b>REPLY IN SUPPORT</b>	Public	7
11/17/2021	COPY(S) OF EMAIL(S)	Public	2
11/17/2021	FINDINGS OF FACT AND CONCLUSIONS OF LAW	Public	13
11/19/2021	ORDER GRANTING FEES AND COSTS	Public	3
11/19/2021	ORDER GRANTING FEES AND COSTS	Public	4
11/24/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
11/30/2021	NOTICE OF INTENT TO WITHDRAW	Public	6
12/01/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
12/01/2021	MOTION TO MODIFY PROTECTIVE ORDERS	Public	5
12/01/2021	DECLARATION OF ANDREA H. BREWER	Public	8
12/01/2021	AFFIDAVIT/DECLARATION OF FEES & COSTS	Public	4
12/01/2021	AFFIDAVIT/DECLARATION IN SUPPORT	Public	4
12/01/2021	AFFIDAVIT/DECLARATION OF FEES & COSTS	Public	3
12/02/2021	AFFIDAVIT/DECLARATION OF FEES & COSTS	Public	8
12/07/2021	PERFECTION NOTICE FROM COURT OF APPEALS	Public	3
12/08/2021	PR'S JOINDER IN MOTION TO MODIFY PROTECTIVE ORDER	Public	4
12/08/2021	P'S REPLY RE MTN TO AMEND FINDINGS	Public	3
12/10/2021	ORDER DENYING MOTION TO MODIFY PROTECTIVE ORDER	Public	3
12/15/2021	AFFIDAVIT/DECLARATION OF FEES & COSTS	Public	19
12/15/2021	RESPONSES TO MOTION FOR ATTY FEES - PULA	Public	22
12/16/2021	SUPPLE DECL OF COUNSEL RE ATTYS' FEES AND COSTS	Public	9
12/16/2021	MCGRWAW RESPONSE TO SUPP DECLARATION	Public	7
12/16/2021	COPY OF PLEADINGS FROM CONSOLIDATED CASE	Public	57
12/17/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
12/17/2021	NOTICE OF ATTORNEY CHANGE OF ADDRESS	Public	5
12/17/2021	MOTION TO VACATE	Public	7
12/17/2021	ORDER TO SHOW CAUSE	Public	4
12/17/2021	ORDER DENYING MOTION	Public	3
12/17/2021	ORDER GRANTING ATTORNEY'S FEES	Public	4
12/20/2021	MCGRWAW RESPONSE TO MOTION TO VACATE	Public	11
12/20/2021	DECLARATION OF ELIZABETH THOMPSON	Public	19
12/23/2021	NOTE FOR JUDGES MOTION CALENDAR	Public	2
12/23/2021	NOTICE OF PRESENTATION OF JUDGMENT	Public	8
01/05/2022	ACCEPTANCE OF SERVICE	Public	2
01/05/2022	ACCEPTANCE OF SERVICE	Public	2
01/05/2022	AFFIDAVIT/DECLARATION OF SERVICE	Public	1
01/18/2022	NOTE FOR JUDGES MOTION CALENDAR	Public	2
01/18/2022	MOTION FOR VOLUNTARY DISMISSAL OF COUNTERCLAIMS	Public	8
01/20/2022	ACCEPTANCE OF SERVICE	Public	2
01/20/2022	AFFIDAVIT/DECLARATION OF SERVICE	Public	1
01/21/2022	JUDGMENT	Public	4
01/24/2022	 <b>AFFIDAVIT/DECLARATION IN SUPPORT</b>	Public	75
01/25/2022	 <b>NOTE FOR JUDGES MOTION CALENDAR</b>	Public	2
02/01/2022	RESPONSE TO MOTION TO VACATE - PULA	Public	5
02/01/2022	RESPONSE TO MOTION FOR FEES - PULA	Public	6

02/02/2022	 <b>REPLY IN SUPPORT</b>	Public	6
02/02/2022	P'S REPLY ISO MTN TO VACATE ORDER AND JUDGMENT	Public	5
02/03/2022	AFFIDAVIT/DECLARATION OF SERVICE	Public	1
02/03/2022	 <b>NOTICE OF ABSENCE/UNAVAILABILITY</b>	Public	4
02/04/2022	DESIGNATION OF CLERK'S PAPERS	Public	4
02/04/2022	COPY(S) OF EMAIL(S) CORRESPONDENCE	Public	3
02/04/2022	ORDER OF DISMISSAL OF COUNTERCLAIMS	Public	3
02/04/2022	ORDER RE: MOTION TO VACATE	Public	4
02/24/2022	JUDGMENT	Public	3
02/24/2022	ORDER GRANTING ATTORNEY FEES	Public	3
02/25/2022	CLERK'S PAPERS PREPARED - COA 56205-7	Public	4
03/03/2022	NOTICE OF APPEAL W/FEE	Public	8
03/07/2022	TRANSMITTAL LETTER COPY FILED	Public	1
03/10/2022	CLERK'S PAPERS SENT	Public	1
03/15/2022	PERFECTION NOTICE FROM COURT OF APPEALS	Public	3
03/18/2022	 <b>NOTICE OF APPEAL W/FEE</b>	Public	12
03/22/2022	TRANSMITTAL LETTER COPY FILED	Public	1
04/01/2022	PERFECTION NOTICE FROM COURT OF APPEALS	Public	3
04/04/2022	DESIGNATION OF CLERK'S PAPERS	Public	6
04/04/2022	APPELLANTS' STMT OF ARRANGMENTS	Public	5
04/04/2022	REQUEST FOR CD COPY OF CLERK'S PAPERS	Public	1
04/11/2022	CLERK'S PAPERS PREPARED ** 56725-3 **	Public	5



**PURCHASE COPIES**

#### Proceedings

Date	Calendar	Outcome
10/31/2019	DEPT 10 - JUDGE JOHNSON (Rm. 833 ) Confirmed 1:30 Temporary Restraining Order	Held - Motion
11/14/2019	DEPT 10 - JUDGE JOHNSON (Rm. 833 ) Confirmed 10:00 Show Cause	Held <b><u>Working Copies Provided</u></b>
12/03/2019	DEPT 10 - JUDGE JOHNSON (Rm. 833 ) Confirmed 9:30 Motion - Motion	Held - Motion <b><u>Working Copies Provided</u></b>
02/21/2020	DEPT 18 - JUDGE RUMBAUGH (Rm. 2-A ) Confirmed 9:00 Assignment to Set Trial Date	Held
04/10/2020	DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-C ) Confirmed 9:00 Motion - Motion(Consolidate)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Susan Toma		
07/02/2020	DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Other: PROTECTIVE ORDER RE KEVIN CURRY)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre		
07/02/2020	DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Other: SERVICE OF SUBPOENA BY MAIL)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Andrea McNeely		
07/17/2020	DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Motion - Motion(Other: MOTION FOR PROTECTIVE ORDER)	Cancel via Web-Issue resolved <b><u>Working Copies Provided</u></b>
Scheduled By: Elizabeth Thompson		

07/24/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Motion(Amend)

Held - Motion  
**Working Copies  
Provided**

Scheduled By: Chris Scheall

07/24/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Motion(Other: MOTION FOR ORDER OF CONTEMPT AGAINST KIRK KELLEY)

Held - Motion  
**Working Copies  
Provided**

Scheduled By: Chris Scheall

07/24/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Motion(Other: MOTION FOR ORDER ALLOWING SERVICE UPON KIRK KELLEY  
BY MAIL)

Held - Motion  
**Working Copies  
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Scheduled By: Chris Scheall

07/24/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Motion(Compel)

Held - Motion  
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Scheduled By: Chris Scheall

07/31/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Presentation

Held - Motion  
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07/31/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Motion(Other: MOTION TO INVALIDATE LEASE)

Held - Motion  
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Scheduled By: Chris Scheall

08/14/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Motion(Other: MOTION FOR PROTECTIVE ORDER)

Held - Motion  
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Scheduled By: Elizabeth Thompson

08/21/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Motion(Other: TO BIFURCATE WILL CONTEST CLAIM FROM RESPS CLAIMS  
AND COUNTERCLAIMS)

Held - Motion  
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Scheduled By: Lisa Lefebvre

09/25/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Motion(Other: MOTION TO RECOVER STOCK)

Held - Motion  
**Working Copies  
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Scheduled By: Chris Scheall

10/16/2020 DEPT 18 - JUDGE RUMBAUGH (Rm. OUT )  
Confirmed 9:00 Mandatory - Court Review Hrg

Cancelled/Amend  
Case Sched

10/16/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Motion(Other: MOTION FOR PROTECTIVE ORDER)

Held - Motion  
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Scheduled By: Chris Scheall

10/19/2020 C4 - EXPARTE CALENDAR (Rm. 129 )  
Unconfirmed 12:50 Exparte Action Mail

Held - Motion

Scheduled By: DESMOND KOLKE

10/23/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Default

Cancel via Web-Issue  
resolved  
**Working Copies  
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Scheduled By: Susan Toma

10/30/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )  
Confirmed 9:00 Motion - Motion(Other: FOR ORDER RE ACCOUNTS HELD AT FIDELITY BROKERAGE  
SERVICES LLC)

Held - Motion  
**Working Copies  
Provided**

Scheduled By: Susan Toma

10/30/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Cancel via Web-Issue

Unconfirmed 9:00 Motion - Motion(Compel)	resolved <b><u>Working Copies Provided</u></b>
Scheduled By: Andrea McNeely	
11/06/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion	Held - Motion
11/06/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Summary Judgment	Held - Motion <b><u>Working Copies Provided</u></b>
11/06/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Summary Judgment	Cancelled/Stricken <b><u>Working Copies Provided</u></b>
11/06/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Summary Judgment	Cancelled/Stricken <b><u>Working Copies Provided</u></b>
11/06/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Part Summary Judgment	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Chris Scheall	
11/13/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Other: MOTION TO RELEASE PROPERTY FROM PIERCE COUNTY SHERIFF FOR FORENSIC EXAM)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: DESMOND KOLKE	
11/13/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Other: MOTION FOR ORDER TO TRANSFER STOCK PROCEEDS)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Chris Scheall	
11/13/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Motion - Motion(Other: CR 56(F) TO CONTINUE SUMMARY JUDGMENT HEARING)	Cancelled/Stricken <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	
11/20/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Other: ORDER TO SHOW CAUSE RE ROBYN PETERSON)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	
11/25/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Reconsideration	Cancelled/Stricken <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	
11/25/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Reconsideration	Cancelled/Stricken <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	
11/25/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Motion - Motion(Other: RELEASE CELL PHONES FOR FORENSIC EXAMINATION)	Cancel via Web-Issue resolved
Scheduled By: DESMOND KOLKE	
12/03/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 2:21 Ex Parte	Ex-Parte w/ Order Held
12/04/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Attorney Fees	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Susan Toma	

12/11/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Motion - Motion(Other: PERSONAL REPRESENTATIVE'S CONTINUED MOTION FOR SUMMARY JUDGMENT - SPECIAL SET) Scheduled By: Chris Scheall	Held - Motion <b><u>Working Copies Provided</u></b>
12/11/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Adjust Trial Date) Scheduled By: Lisa Lefebvre	Held - Motion <b><u>Working Copies Provided</u></b>
12/11/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Other: AMELIA BESOLA'S CONTINUED MOTION FOR SUMMARY JUDGMENT - SPECIAL SET) Scheduled By: Lisa Lefebvre	Held - Motion <b><u>Working Copies Provided</u></b>
12/15/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 12:30 Ex Parte	Ex-Parte w/ Order Held
12/18/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Motion - Motion(Other: PR'S MOTION TO STRIKE PETITIONER'S 2ND HANDWRITING EXPERT) Scheduled By: Chris Scheall	Continued
12/18/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Motion - Motion(Other: MOTION FOR PROTECTIVE ORDER) Scheduled By: Elizabeth Thompson	Continued
12/31/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion	Held - Motion <b><u>Working Copies Provided</u></b>
12/31/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion	Held - Motion <b><u>Working Copies Provided</u></b>
01/08/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-C ) Confirmed 9:00 Motion - Reconsideration Scheduled By: Lisa Lefebvre	Held - Motion <b><u>Working Copies Provided</u></b>
01/08/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-C ) Unconfirmed 9:00 Motion - Reconsideration Scheduled By: Lisa Lefebvre	Cancel via Web-Issue resolved
01/08/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-C ) Confirmed 9:00 Motion - Motion(Other: DISQUALIFY) Scheduled By: QUENTIN WILDSMITH	Held - Motion <b><u>Working Copies Provided</u></b>
01/15/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Attorney Fees Scheduled By: Elizabeth Thompson	Held - Motion <b><u>Working Copies Provided</u></b>
01/22/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Reconsideration Scheduled By: Susan Toma	Held - Motion <b><u>Working Copies Provided</u></b>
01/29/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Adjust Trial Date) Scheduled By: Lisa Lefebvre	Held - Motion <b><u>Working Copies Provided</u></b>
02/05/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion	Held - Motion

02/05/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Cancel via Web-  
Rescheduled

Confirmed 9:00 Contempt Hearing

Scheduled By: Susan Toma

02/05/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 9:00 Motion - Motion(Dismiss)

Held - Motion

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Scheduled By: Amy Shackelford

02/05/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 9:00 Motion - Motion(Other: PROTECTIVE ORDER)

Held - Motion

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Scheduled By: Elizabeth Thompson

02/12/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 9:00 Contempt Hearing

Cancel via Web-Issue  
resolved**Working Copies  
Provided**

Scheduled By: Susan Toma

02/12/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 9:00 Motion - Motion(Other: TO BIFURCATE ISSUES FOR TRIAL)

Held - Motion

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Scheduled By: Susan Toma

02/12/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 9:00 Motion - Motion(In Limine)

Held - Motion

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Scheduled By: Susan Toma

02/12/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 9:00 Motion - Motion(Other: ORDER OF THE TRIAL)

Held - Motion

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Scheduled By: Lisa Lefebvre

02/19/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 9:00 Motion - Motion(Other: CONTINUE TRIAL DATE / OTHER ISSUES)

Held - Motion

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Scheduled By: Lisa Lefebvre

02/22/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 9:00 Trial

Held - Non Jury Trial

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03/05/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 9:00 Motion - Intervene

Cancelled/Stricken

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Scheduled By: Jeffrey Swenson

03/05/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 9:00 Motion - Intervene

Cancelled/Stricken

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Scheduled By: Jeffrey Swenson

03/19/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Unconfirmed 9:00 Motion - Presentation

Cancel via Web-Issue  
resolved**Working Copies  
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03/19/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 1:30 Motion - Shorten Time

Held - Motion

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04/02/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Confirmed 9:00 Motion - Reconsideration

Held - Motion

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Scheduled By: Lisa Lefebvre

04/02/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Held - Motion



Confirmed 9:00 Motion - Motion(Other: SHOW CAUSE AGAINST ROBYN PETERSON)	<b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	
04/02/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Presentation)	Cancelled/Stricken <b><u>Working Copies Provided</u></b>
Scheduled By: Susan Toma	
05/21/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Adjust Trial Date)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	
05/21/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Compel)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Amy Shackelford	
05/28/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Motion - Presentation	Held - Motion
07/16/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Other: STRIKE)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	
08/10/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 211A) Confirmed 9:00 Ex Parte	Ex-Parte w/ Order Held
08/13/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion	Held - Motion
08/13/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Show Cause	Cancel via Web-Issue resolved
08/20/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Motion - Motion(Other: MODIFY JULY 16, 2021 PROTECTIVE ORDER AND REVEAL INFO)	Cancelled/Stricken <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	
09/03/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Other: UNSEAL FORMSWIFT DOCUMENTS)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Amy Shackelford	
09/17/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Dismiss)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Amy Shackelford	
09/17/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Other: MODIFY PROTECTIVE ORDER)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Kevin Steinacker	
09/20/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Ex Parte	Ex-Parte w/ Order Held
09/24/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Reconsideration	Cancelled/Stricken <b><u>Working Copies Provided</u></b>
Scheduled By: Amy Shackelford	
10/01/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Show Cause	Held <b><u>Working Copies</u></b>



	<b><u>Provided</u></b>
10/01/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Motion - Presentation	Held - Motion
10/01/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Motion - Motion(Other: PROTECTIVE ORDER)	Cancel via Web-Issue resolved <b><u>Working Copies Provided</u></b>
Scheduled By: Elizabeth Thompson	
10/15/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Discard)	Cancel via Web-Rescheduled
Scheduled By: Kathryn O'Brien	
10/22/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Other: ADMIT THE DECLARATION OF THE RECORDS CUSTODIAN OF FORMSWIFT)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	
10/22/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Discard)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Amy Shackelford	
11/01/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Trial	Held - Non Jury Trial <b><u>Working Copies Provided</u></b>
11/05/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion	Held - Motion
11/05/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Unconfirmed 9:00 Motion - Motion(Other: CONCERNING WITNESS APPEARANCE AT TRIAL)	Cancelled/Stricken <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	
11/08/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion	Held - Motion <b><u>Working Copies Provided</u></b>
11/12/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Ex Parte	Ex-Parte w/ Order Held
11/12/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Presentation	Held - Motion <b><u>Working Copies Provided</u></b>
11/17/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Ex Parte	Ex-Parte w/ Order Held
11/19/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Attorney Fees	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	
11/19/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Attorney Fees	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: QUENTIN WILDSMITH	
12/10/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E ) Confirmed 9:00 Motion - Motion(Other: MODIFY PROTECTIVE ORDER)	Held - Motion <b><u>Working Copies Provided</u></b>
Scheduled By: Lisa Lefebvre	

12/10/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Cancel via Web-Issue  
resolved

Unconfirmed 9:00 Motion - Motion(Other: AMEND FACTUAL FINDINGS AND CONCL OF LAW)

Scheduled By: Lisa Lefebvre

12/17/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Ex-Parte w/ Order  
Held

Confirmed 9:00 Ex Parte

01/18/2022 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Cancelled/Stricken

Confirmed 9:00 Trial

01/21/2022 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Held - Motion

Confirmed 9:00 Motion - Motion(Presentation)

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Scheduled By: Charles Shillito

02/04/2022 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Cancelled/Stricken

Confirmed 9:00 Show Cause

02/04/2022 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Held - Motion

Confirmed 9:00 Motion - Vacate

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Scheduled By: Charles Shillito

02/04/2022 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Held - Motion

Confirmed 9:00 Motion - Attorney Fees

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Scheduled By: QUENTIN WILDSMITH

02/04/2022 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E )

Held - Motion

Confirmed 9:00 Motion - Motion(Dismiss)

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Scheduled By: Amy Shackelford

**Pending Case Schedule Items****Event****Schedule Date**

Jury Demand  
 Plaintiff's/Petitioner's Disclosure of Primary Witnesses  
 Defendant's/Respondent's Disclosure of Primary Witnesses  
 Disclosure of Rebuttal Witnesses  
 Deadline for Filing Motion to Adjust Trial Date  
 Discovery Cutoff  
 Exchange of Witness and Exhibit Lists and Documentary Exhibits  
 Deadline to file Certificate or Declaration re: Alternative Dispute Resolution  
 Deadline for Hearing Dispositive Pretrial Motions

06/29/2020  
 08/17/2020  
 09/14/2020  
 11/02/2020  
 11/30/2020  
 01/04/2021  
 01/18/2021  
 01/25/2021  
 01/25/2021

**Judgments**

Cause #	Status	Signed	Effective	Filed
<b><u>20-9-04579-0</u></b>	OPEN as of 12/04/2020	BRYAN CHUSHCOFF on 12/04/2020	12/04/2020	12/04/2020
<b><u>22-9-00213-2</u></b>	OPEN as of 01/21/2022	BRYAN CHUSHCOFF on 01/21/2022	01/21/2022	01/21/2022
<b><u>21-9-00160-0</u></b>	OPEN as of 01/15/2021	BRYAN CHUSHCOFF on 01/15/2021	01/15/2021	01/15/2021
<b><u>22-9-00736-3</u></b>	OPEN as of 02/24/2022	BRYAN CHUSHCOFF on 02/24/2022	02/24/2022	02/24/2022

This calendar lists Confirmed and Unconfirmed Proceedings. Attorneys may **obtain access rights** to confirm/strike selected proceedings. Currently, any proceedings for the Commissioners' calendars can be stricken, but only Show Cause proceedings for the Commissioners' calendars can be confirmed.

Unconfirmed Proceedings will not be heard unless confirmed as required by **the Local Rules of the Superior Court for Pierce County**.

- Hearing and location information displayed in this calendar is subject to change without notice. Any changes to this information after the creation date and time may not display in current version.
- Confidential cases and Juvenile Offender proceeding information is not displayed on this calendar. Confidential case types are: Adoption, Paternity, Involuntary Commitment, Dependency, and Truancy.
- The names provided in this calendar cannot be associated with any particular individuals without individual case research.
- Neither the court nor clerk makes any representation as to the accuracy and completeness of the data except for court purposes.

Created: Thursday April 14, 2022 10:13AM

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January 07 2019 11:37 AM

KEVIN STOCK  
COUNTY CLERK

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF PIERCE**

IN THE MATTER OF THE ESTATE OF  
MARK LESTER BESOLA

No. 19-4-00016-6

LETTERS OF ADMINISTRATION

Deceased.

State of Washington     )  
                                      ) ss.  
County of Pierce         )

WHEREAS, MARK LESTER BESOLA late of Pierce County, Washington, on or about January 1, 2019, died intestate, leaving at the time of his/her death, property in this state subject to administration;

NOW, THEREFORE, know all people by these presents, that we hereby appoint AMELIA M BESOLA administrator/rix upon, said estate, and whereas said administrator/rix has duly qualified, hereby authorize him/her to administer the same according to law.

WITNESS my hand and seal of said Court on January 7, 2019.

KEVIN STOCK, Clerk of the Superior Court

By \_\_\_\_\_, Deputy

**CERTIFICATE**

State of Washington     )  
                                      ) ss.  
County of Pierce         )

I, KEVIN STOCK, Clerk of the Superior Court of said County and State, do hereby certify that the above and foregoing is a true and correct copy of the Letters of Administration in the above entitled case, and were on January 7, 2019, duly entered of record;

AND, I further certify said Letters are still in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Superior Court, on \_\_\_\_\_

KEVIN STOCK, Clerk of the Superior Court

By \_\_\_\_\_, Deputy

17 Wash.App.2d 1060

NOTE: UNPUBLISHED OPINION, SEE WA R GEN GR 14.1

Court of Appeals of Washington, Division 3.

In the MATTER OF:  
MADELINE M. THIEDE TRUST  
Gerald Verhaag, a beneficiary of  
Madeline M. Thiede Trust, Plaintiff,

v.

Gordon Finch, a beneficiary and Trustee  
of Madeline M. Thiede Trust, Respondent.

No. 36940-4-III, (consolidated with  
No. 37322-3-III, No. 37444-1-III)

FILED MAY 25, 2021

Honorable [Harold D. Clarke III](#), Judge

#### Attorneys and Law Firms

[Aaron Lee Lowe](#), Aaron L. Lowe & Associates PS, 1408 W Broadway Ave., Spokane, WA, 99201-1902, for Appellant.

[Gregory Sims Johnson](#), Paine Hamblen LLP, 717 W. Sprague Ave., Ste. 1200, Spokane, WA, 99201-3505, [Scott Randall Smith](#), Bohrsen Stocker Smith & Luciani PLLC, 312 W. Sprague Ave., Spokane, WA, 99201-3711, [Kyle Warren Nolte](#), Attorney at Law, 720 W Boone Ave., Ste. 200, Spokane, WA, 99201-2560, for Respondent.

#### UNPUBLISHED OPINION

[Siddoway](#), A.C.J.

\*1 After Gordon Finch was replaced as trustee of a trust created by his mother, he made several payments of trust funds to himself and his then-attorney, Robert Kovacevich, based on advice received from Mr. Kovacevich. When the payments were challenged as contempt of court in this TEDRA<sup>1</sup> action, Mr. Finch retained new counsel and returned all the funds he had paid to himself. He later entered into a TEDRA agreement with the other trust beneficiaries under which he assumed their expenses and losses incurred

in connection with the improper payments and took an assignment of their claims against Mr. Kovacevich. Based on the assignment, two judgments against Mr. Kovacevich were entered in favor of Mr. Finch.

In these consolidated appeals, Mr. Kovacevich challenges a number of orders and judgments entered by the trial court. Because many were not timely appealed and, where his appeals are timely, he demonstrates no error or abuse of discretion by the trial court, we affirm and award reasonable attorney fees to Mr. Finch.

#### FACTS AND PROCEDURAL BACKGROUND

On the death of Madeline Thiede in April 2014, Gordon Finch, her son, became the trustee of the Madeline M. Thiede 2009 Revocable Trust (as amended and restated in 2013). The trust had four beneficiaries: Gordon; his brother, James Finch; Kenneth Verhaag; and Gerald Verhaag.<sup>2</sup> A major asset of the trust was a small shopping center located in Spokane Valley.

A disagreement arose over Gordon's management of the trust, and Gerald filed the TEDRA action below, seeking Gordon's removal as trustee; to replace him with James Spurgetis, a professional trustee; an accounting; remedies for any self-dealing; and other related relief. At a hearing on January 8, 2018, at which Gordon and his then-attorney, Robert Kovacevich, were present, the trial court orally granted the motion to remove Gordon as trustee and appoint Mr. Spurgetis to replace him. A written order memorializing the ruling was entered on January 10, 2018, and was mailed to Mr. Kovacevich. In communications between Gordon and Mr. Spurgetis or Mr. Spurgetis's paralegal thereafter, Gordon was authorized to continue managing the shopping center and to pay certain operating expenses until Mr. Spurgetis's office could "get[ ] up to speed." Clerk's Papers (CP) at 973. Mr. Spurgetis assumed management responsibility by approximately the end of March 2018.

*First contempt proceeding: receipt by Mr. Kovacevich of \$11,211.80<sup>3</sup>*

\*2 In December 2018, Gerald brought a motion for an order holding Gordon and Mr. Kovacevich in contempt after learning that Gordon made unauthorized payments of trust funds to himself and Mr. Kovacevich after the January 8, 2018 hearing at which he was removed as trustee. Kenneth was permitted to intervene in the TEDRA action and joined in the

motion. Since Gordon claimed to have relied on advice from Mr. Kovacevich in making the payments, a conflict of interest existed, so Gordon engaged new counsel to represent him in the proceedings below.

The motion was argued to the court on March 1, 2019, and was taken under advisement. In a letter ruling sent to the parties on March 27, 2019, the trial court found that four payments made by Gordon with trust funds between January 8 and March 12, 2018, were in willful violation of a clear and unambiguous order. It reasoned that Gordon's reliance on advice of counsel did not absolve him, and found both Gordon and Mr. Kovacevich in civil contempt.

Gordon had returned the trust monies in his possession on December 21, 2018, within days after he retained new counsel. The trial court found that he had thereby purged his contempt. It imposed a sanction on Gordon in the form of liability for the attorney fees incurred by the Verhaags in bringing the motion.

Since Mr. Kovacevich had not returned \$11,211.80 in trust funds improperly paid to him, the trial court ordered him to return the sum to Mr. Spurgetis by the close of business on April 5, 2019, failing which he would be subject to a civil penalty of \$250.00 per day until paid. It imposed a sanction of the Verhaags' attorney fees on Mr. Kovacevich as well, stating that Mr. Kovacevich would be solely responsible for the Verhaags' fees incurred after December 21.

Reading the trial court's March 27, 2019 letter ruling triggered Gordon's memory that he had made a \$17,919.38 payment of trust funds to Mr. Kovacevich on January 9, 2018, (again relying on Mr. Kovacevich's advice), that had not been addressed by the Verhaags' motion or the court's order. He disclosed the fact of that payment to his attorney, who informed attorneys for the other beneficiaries on April 9, 2019.

Findings, conclusions and an order in the first contempt proceeding were entered on May 3, 2019.<sup>4</sup> The order directed the Verhaags to present evidence of their fees and costs within 10 days.

Mr. Kovacevich filed a timely motion for reconsideration. An order denying the motion for reconsideration was entered on June 13, 2019. At some point, Mr. Kovacevich returned the \$11,211.80 as required by the contempt order.

On September 11, 2019, the trial court entered an order fixing the amount of the attorney fees and costs it had previously ordered were recoverable by the Verhaags. For this first contempt proceeding, the reasonable amounts it found them to have necessarily incurred after December 21, 2018, recoverable solely from Mr. Kovacevich, were \$19,727.79 for Gerald and \$5,645.00 for Kenneth.

Mr. Kovacevich filed motions for reconsideration and to vacate the attorney fee award. The motions are not included in the record on appeal or in any briefing. An order denying the motion for reconsideration that was filed on November 8, 2019, indicates the motion was filed on September 20, 2019. An order fixing a November 15, 2019 date for hearing the motion to vacate identifies the motion as a "[CR 60\(b\)\(1\)\(6\) \(11\)](#) motion ... dated September 20, 2019." CP at 1068. The trial court orally denied the motion to vacate at the conclusion of the November 15 hearing and entered a written order denying the motion on December 19, 2019.

*Second contempt proceeding: receipt by Mr. Kovacevich of \$17,919.38*<sup>5</sup>

\*3 On May 3, 2019, the Verhaags—acting on Gordon's disclosure of the \$17,919.38 payment of trust funds to Mr. Kovacevich on January 9, 2018—obtained an order to show cause directed to Gordon and Mr. Kovacevich. The order directed them to appear and show cause on May 31, 2019, why they should not be held in contempt for violating the trial court's January 8, 2018 ruling by making (in Gordon's case) and accepting (in Mr. Kovacevich's case) the \$17,919.38 payment. The order was served on Mr. Kovacevich's counsel, but Mr. Kovacevich filed no response and neither he nor his attorney appeared on the return date. In an order entered on June 14, 2019, the trial court again found that both Gordon and Mr. Kovacevich violated its January 8, 2018 oral ruling. The trial court found that Gordon purged the contempt by voluntarily disclosing the \$17,919.38 payment and demanding that Mr. Kovacevich return the money to the trust.

The trial court ordered Mr. Kovacevich to return the \$17,919.38 to Mr. Spurgetis within 10 days of its order, failing which he would be subject to a civil penalty of \$250.00 per day until the amount was returned. The trial court also ordered Mr. Kovacevich to pay the Verhaags' attorney fees and costs incurred in bringing this second contempt motion. Mr. Kovacevich failed to return the \$17,919.38.

The trial court's September 11, 2019 order fixing the attorney fee and cost awards for the first contempt proceeding also fixed Gerald and Kenneth's recoverable fees and costs for the second contempt proceeding. It found that the reasonable amounts necessarily incurred, all of which were recoverable solely from Mr. Kovacevich, were \$8,416 for Gerald and \$3,135 for Kenneth.

As previously recounted, Mr. Kovacevich filed motions for reconsideration and to vacate the attorney fee award, both of which were denied.

*TEDRA agreement, Mr. Kovacevich's unsuccessful challenges to the agreement, and Gordon's action on his assignment*

Meanwhile, on June 11, 2019, the beneficiaries of the trust entered into a nonjudicial binding agreement in which they settled disputes among themselves, obviating any need for trial (hereafter “the agreement” or “the TEDRA agreement”). The agreement provides that it “shall settle all claims pending in this instant proceeding between and among Gerald, Kenneth, James, and Gordon.” CP at 238. The agreement was approved by the court by an order entered on June 13, 2019.

The agreement recounts Mr. Kovacevich's outstanding liability to the trust, including attorney fees and costs in amounts to be determined; actions that Gordon took on the advice of Mr. Kovacevich; and the extent to which those actions had exposed Gordon to findings of contempt and financial liability.

Sections IV.F through IV.G of the agreement address how the parties proposed to address their legal claims against Mr. Kovacevich, including the Verhaags' then-pending right to recover attorney fees and costs in an amount to be determined. Briefly stated, they provide that in distributing the assets of the trust, Gordon's share would be reduced by all attorney fees in the superior and appellate court that the Verhaags had been awarded or would be awarded against Mr. Kovacevich. They provide that the Verhaags would assign their right to recover the fees from Mr. Kovacevich to Gordon, so that he could enforce orders of the court and pursue recovery from Mr. Kovacevich. They provide that Gerald, Kenneth, James, and the trust would assign to Gordon any and all claims they may have against Mr. Kovacevich.

In a “Release” provision of the agreement, Gerald, Kenneth, James and Gordon released

each other, their successors, estates, legal representatives, agents, assigns and all persons or entities acting for, by or through any of them from any and all claims, losses, actions, causes of action, judgments, damages, liabilities and demands of every kind, name or nature, known or unknown, in any way having to do with the Madeline M. Thiede Trust and the litigation pending under Spokane County, Washington cause number 16-4-01301-7 in accordance with the terms of this Agreement.

\*4 CP at 243.

Applying the TEDRA agreement, Gordon's share of the trust assets, which would have been \$289,470.79, was reduced by \$17,919.38 for the check paid to Mr. Kovacevich on January 9, 2018, by Gerald's attorney fees of \$150,714.94, and by Kenneth's attorney fees of \$54,417.50.

Mr. Kovacevich became aware of the TEDRA agreement sometime in June 2019. The record on appeal, although very incomplete on this score, reveals several unsuccessful efforts on Mr. Kovacevich's part to challenge the validity of the TEDRA agreement while at the same time arguing that it released him and required the TEDRA action to be dismissed. On June 28, 2019, he filed a 29-page motion attacking the TEDRA agreement on multiple grounds. On July 22, 2019, he filed a motion for dismissal of the June 13, 2019 order holding him in contempt. Among other arguments, Mr. Kovacevich contended the TEDRA agreement was not valid because he had not received notice of it and an opportunity to be heard; at the same time he argued that the Verhaags could not assign their claims against him because, by the terms of the TEDRA agreement, they had released them.

On July 2, 2019, Gordon filed a declaration attesting to the assignment to him of the beneficiaries' claims against Mr. Kovacevich. He attached a copy of a fully-executed assignment agreement. Since Mr. Kovacevich had failed to pay the \$17,919.38 that he had been ordered to pay within 10 days of the June 13, 2019 order on the second contempt, Gordon filed a motion for entry of findings, conclusions and a judgment, noting it for hearing on July 18, 2019.

At the July 18 hearing, Mr. Kovacevich's attorney objected on grounds that he had not been served with the order to show cause why Mr. Kovacevich should not be held in contempt a second time, which is why neither he nor Mr. Kovacevich were present on the return date. His second argument was that “this case is over, so I don't think the Court has jurisdiction.”



Report of Proceedings (RP)<sup>6</sup> at 70. He also argued that “Mr. Kovacevich was never a party in this action.” *Id.* at 71.

Answering Mr. Kovacevich's claim that he was never served, Gordon's attorney expressed his understanding that the Verhaags did serve Mr. Kovacevich's attorney. His response to the challenge to jurisdiction was that “[t]he Court in its contempt order found it has jurisdiction. I don't know that we need to keep repeating that.” *Id.* at 77.

The trial court orally ruled that it had both subject matter and personal jurisdiction. It rejected all of Mr. Kovacevich's challenges except his claim that he had not been served with notice of the show cause hearing, which the court had not realized was an issue. The court stated it would accept the findings, conclusions and judgment proposed by Gordon but would give the parties a short period of time to submit evidence on the issue of whether Mr. Kovacevich's attorney was served with the order to show cause.

\*5 On August 19, 2019, having received proof that Mr. Kovacevich's attorney was served with the order to show cause, the trial court entered the findings, conclusions, judgment summary and judgment in Gordon's favor for the \$17,919.38 that Mr. Kovacevich had been ordered to repay together with the civil penalty, calculated through July 18, 2019 to be \$5,750.00.

As of January 2020, Mr. Kovacevich had failed to pay the Verhaags the attorney fees and costs he had been ordered to pay in September for which he alone was liable: \$19,727.79, \$5,645.00, \$8,416.00, and \$3,135.00, for a total of \$36,923.79. Gordon, relying on his assignment, moved for entry of a second judgment against Mr. Kovacevich. A judgment in the amount of \$36,923.79, together with findings and conclusions, was entered on February 5, 2019.

#### *Notices of appeal and appealability*

Mr. Kovacevich filed three notices of appeal that are before us in this consolidated matter. They were filed on July 9, 2019, January 13, 2020, and February 27, 2020. The notice of appeal filed on January 13, 2020, attached and purported to appeal eight orders, some dating as far back as June 2019. It was placed on our commissioner's calendar for a determination of appealability.

On March 17, 2020, our commissioner ruled that Mr. Kovacevich's January 13, 2020 order timely appealed only

two orders entered on December 19, 2019: the order denying motion to vacate and the order re: order denying motion to vacate. Our commissioner observed that a third order identified—the trial court's June 13, 2019 denial of Mr. Kovacevich's motion for reconsideration of the contempt order—was timely appealed in one of the other consolidated matters.

Our commissioner ruled that the following five orders were not timely appealed:

- June 13, 2019 order approving TEDRA,
- June 14, 2019 order on petitioner Gerald Verhaag's and intervenor Kenneth Verhaag's joint motion for contempt,
- August 19, 2019 judgment, judgment summary and findings of fact, conclusions of law – Robert Kovacevich,
- September 11, 2019 order re: attorney fees, and
- November 8, 2019 order on motion for reconsideration.

Mr. Kovacevich's motion to modify the commissioner's ruling was denied, as was his petition to the Washington Supreme Court for discretionary review.

#### ANALYSIS

Mr. Kovacevich's opening brief makes 13 assignments of error, many related only to final orders that were not timely appealed. He fails to identify issues pertaining to the assignments of error. He includes a very short statement of the case and then embarks on argument that is untethered to specific notices of appeal, let alone specific assignments of error. It is impossible to address his opening brief as we ordinarily would, by tracking his assignments of error or the organization of his argument. We would have to figure out on our own if, when, and how the claimed errors were timely appealed.

Instead, we organize our analysis by separately addressing the three notices of appeal and relying on our commissioner's ruling on appealability for which trial court decisions were timely appealed by the January 13, 2020 notice of appeal.<sup>7</sup>

\*6 We begin by identifying in the table below the orders of the trial court that were final orders as to which Mr. Kovacevich was an aggrieved party and our commissioner's



earlier, affirmed, ruling on whether they were timely appealed.

	First contempt proceeding	Second contempt proceeding
Order finding Mr. Kovacevich in contempt, ordering return of trust funds, setting the civil penalty to be imposed in the event of noncompliance, and awarding attorney fees and costs in an amount to be identified	The order was entered on May 3, 2019, followed by a timely motion for reconsideration, which was denied on June 13, 2019.	The order was entered on June 13, 2019.
	<b>The reconsideration order was timely appealed on July 9, 2019.</b>	<b>This order was not timely appealed.</b>
Findings, conclusions, judgment and judgment summary in favor of Gordon, for failure to disgorge the \$17,919.38 improperly paid and reflecting the civil penalty daily civil penalty	N/A	The findings, conclusions and judgment were entered on August 19, 2019.
		<b>This order was not timely appealed.</b>
Order fixing the amount of reasonable attorney fees and costs to be awarded	The order was entered on September 11, 2019.	The order was entered on September 11, 2019.
	<b>This order was not timely appealed.</b>	<b>This order was not timely appealed.</b>
Order denying motion to vacate the fee and cost-fixing order issued on September 11, 2019 (and related order explaining the order denying motion to vacate)	These orders were entered on December 19, 2019.	These orders were entered on December 19, 2019.
	<b>The orders were timely appealed on January 13, 2020.</b>	<b>The orders were timely appealed on January 13, 2020.</b>
Judgment for attorney fees and costs in favor of Gordon	The judgment was entered on February 5, 2020.	The judgment was entered on February 5, 2020.
	<b>The order was timely appealed on February 27, 2020.</b>	<b>The order was timely appealed on February 27, 2020.</b>

Since the June 13, 2019 order finding civil contempt for what we term the second contempt was not timely appealed, we will not entertain assignments of error that relate to

the finding of contempt for Mr. Kovacevich's receipt of the unauthorized payment of \$17,919.38 in trust funds and the remedies imposed (an order to return the funds, per diem

penalty for noncompliance, and an award to the Verhaags of reasonable attorney fees and costs in an amount to be determined).

Similarly, since the August 19, 2019 entry of findings, conclusions, and a judgment and judgment summary in favor of Gordon against Mr. Kovacevich was not timely appealed, we will not entertain assignments of error to the findings, conclusions, or judgment.

We turn in chronological order to the orders that were timely appealed and address the assignments of error that relate to them.

#### I. THE JULY 9, 2019 APPEAL OF THE MAY 3, 2019 ORDER

Mr. Kovacevich's July 9, 2019 appeal of the trial court's May 3, 2019 contempt order was timely by virtue of his timely motion for reconsideration, which was denied by the trial court on June 13, 2019. *See* [RAP 2.4\(c\)\(3\)](#) (appellate court will review a final judgment not designated in the notice if the notice designates a timely motion based on [CR 59](#)).<sup>8</sup>

\*7 Mr. Kovacevich was aggrieved by the May 3 order in the following ways: the order found him in contempt for accepting Gordon's unauthorized payment of \$11,211.80 in trust funds; it ordered him to return that amount to Mr. Spurgetis; it announced the civil penalty that would be assessed if he failed to comply; and it awarded the Verhaags their reasonable attorney fees and costs in an amount to be determined. Mr. Kovacevich chose to return the \$11,211.80 paid to him and is no longer aggrieved by the order to return that amount or by the civil penalty. Any issues presented by those aspects of the order are moot. An appeal is moot if it presents "purely academic issues" and it is "not possible for the court to provide effective relief." *Klickitat County Citizens Against Imported Waste v. Klickitat County*, 122 Wn.2d 619, 631, 860 P.2d 390, 866 P.2d 1256 (1993).

Mr. Kovacevich's motion for reconsideration of the May 3 order raised two issues, both of which challenged the finding of contempt. His principal argument was that an attorney cannot be jointly liable with his client for contempt, on the basis of "advice honestly given," relying on *State ex rel. Nicomen Boom Co. v. N. Shore Boom & Driving Co.*, 55 Wash. 1, 14, 103 P. 426 (1909). A second argument was that the motion for contempt "should have been commenced by James Spurgetis," not trust beneficiaries.<sup>9</sup> CP at 213. His motion for

reconsideration raised no challenge to the award of attorney fees to the Verhaags apart from challenging the underlying finding of contempt.

Mr. Kovacevich has designated and arranged for a record on review that we could find insufficient for us to review any assignment of error to the May 3 order. He did not even designate as a clerk's paper the response to his reconsideration motion.<sup>10</sup> Since the motion for reconsideration was decided without oral argument, there is no way for this court to know what arguments were made in response to the motion for reconsideration.

Equally glaring is that of the 21 submissions the trial court identified in its May 3 order as having been considered by the court, Mr. Kovacevich failed to designate most as clerk's papers, and the majority of the missing submissions are the responses and replies of the Verhaags.<sup>11</sup> Also missing is Mr. Kovacevich's response to the Verhaags' contempt motion.

"The party presenting an issue for review has the burden of providing an adequate record to establish such error, and should seek to supplement the record when necessary." *State v. Sisouvanh*, 175 Wn.2d 607, 619, 290 P.3d 942 (2012) (citation omitted). The respondent has a right to supplement, but that is a right, not a duty to cure a deficient record designated by the appellant. This court "may seek to supplement the record on its own initiative when appropriate, [but] we may instead 'decline to address a claimed error when faced with a material omission in the record,' or we may simply affirm the challenged decision if the incomplete record before us is sufficient to support the decision, or at least fails to affirmatively establish an abuse of discretion." *Id.* (citations omitted) (quoting *State v. Wade*, 138 Wn.2d 460, 465, 979 P.2d 850 (1999)); *see also In re Det. of Halgren*, 156 Wn.2d 795, 804-05, 132 P.3d 714 (2006); *Easley v. Elmer*, 101 Wash. 408, 409, 172 P. 575 (1918); *Lau v. Nelson*, 92 Wn.2d 823, 829, 601 P.2d 527 (1979).

\*8 Under these circumstances, while we will review the two issues that Mr. Kovacevich raised in his motion for reconsideration, we will not address any other issues that he may believe were presented by the underlying May 3 order.

*A. Since Mr. Kovacevich took action disobedient to a lawful order of the trial court, he could be held jointly liable with Gordon for contempt*

Mr. Kovacevich assigns error to the trial court's alleged failure to follow the Washington Supreme Court's decision in *Nicomen Boom Co.*, which he characterizes as holding that an attorney who advises his client in good faith cannot be jointly liable for civil contempt with the client. Br. of Appellant at 32.

The decision states, "There is nothing in the [contempt] statute to indicate that it was intended to include one who in good faith advises the wrong." *Nicomen Boom Co.*, 55 Wash. at 13. As previously recognized by this court, the Supreme Court's reasoning that good faith legal advice cannot constitute contempt does not apply when the lawyer himself violates a court's order:

[*Nicomen Boom Co.*] dealt with a lawyer, Mr. Abel, who did not himself violate the court's order as Mr. Gorman did here. [55 Wash.] at 14. Mr. Abel "advised the officers to do the things complained of," but "did not directly participate therein himself." *Id.* at 17 (Mount, J., dissenting). As observed by the majority opinion, "An offending attorney would be liable ... for a willful disregard of the orders of the court, but it would require a forced construction of the statute to make him subject to civil liability because of his advice honestly given." *Id.* at 14 .... Mr. Gorman was not found in contempt for his advice, but for his actions.

*In re Structured Settlement Payment Rights of Rapid Settlements, Ltd.*, 189 Wn. App. 584, 603-04, 359 P.3d 823 (2015) (first alteration in original) (emphasis omitted).

In finding Mr. Kovacevich in contempt, the trial court, like this court in *Rapid Settlements*, found that Mr. Kovacevich himself violated the court's order:

Kovacevich was present when the Court gave its January 8th ruling and was mailed a copy of the January 10th order. On January 18th, Mr. Kovacevich moved to extend the time set forth in the January 10th order and on January 19th he moved for reconsideration. Mr. Kovacevich prepared and submitted a billing after January 10th to the prior Trustee for services incurred after the 10th; he accepted payment for those services; and he declined to return the funds after being requested to do so by successor Trustee Spurgetis and by attorney Kyle Nolte.

CP at 269-70.

We agree with the trial court. Had Mr. Kovacevich merely advised Gordon to use trust funds to pay *others*, and were he able to demonstrate that he provided that advice in good faith, the reasoning of *Nicomen Boom Co.* would apply. Mr. Kovacevich did more. He accepted a substantial payment of

trust funds in March 2018 from a client he knew had been removed as trustee two months earlier. His action is fairly characterized as contempt of a court order that he had heard announced in open court and seen in its written, entered form in January 2018. See RCW 7.21.010(1)(b) ("contempt of court" includes "[d]isobedience of any lawful ... order, or process of the court").

\*9 Mr. Kovacevich argues that treating his acceptance of payment as contempt "would have ... required [him] to refuse the payment of his earned legal fees." Br. of Appellant at 33. But if Mr. Kovacevich believed that services he performed were for the benefit of the trust and compensable with trust funds, he should have presented his bill for services to Mr. Spurgetis. The trial court did not err when it found him in contempt and jointly liable with Gordon.

#### *B. The Verhaags had standing to move for a finding of contempt*

Mr. Spurgetis wrote to Mr. Kovacevich demanding he return the \$11,211.80. Mr. Kovacevich briefly argued in moving for reconsideration of the May 3 order that for him to be found in contempt, Mr. Spurgetis should also have been the one to bring the contempt motion. He based his argument on common law distinctions between the authority of trustees and beneficiaries to take action on behalf of a trust.

We are dealing here with a TEDRA action, however, not common law. Whether the Verhaags had standing under TEDRA to seek an order of contempt against Mr. Kovacevich is a question of statutory interpretation. We review questions of statutory interpretation de novo. *In re Estate of Rathbone*, 190 Wn.2d 332, 338, 412 P.3d 1283 (2018).

Under TEDRA, "*any party* may have a judicial proceeding for the declaration of rights or legal relations with respect to *any matter* ...." RCW 11.96A.080(1) (emphasis added). "Matter" is broadly defined to include "[t]he determination of any question arising in the administration of an estate...." RCW 11.96A.030(2)(c). "Party" is defined to include trust beneficiaries who "ha[ve] an interest in the subject of the particular proceeding." RCW 11.96A.030(5)(e).

Our Supreme Court held in *In re Estate of Becker*, 177 Wn.2d 242, 247, 298 P.3d 720 (2013), that in the context of a will contest, a party had a sufficient interest where she "ha[d] a direct, immediate, and legally ascertained pecuniary interest in the devolution of the testator's estate, such as would be impaired or defeated by the probate of the will or benefited

by the declaration that it is invalid.” In other words, while some actions on the part of an estate may only be taken by the personal representative, beneficiaries have a sufficient interest to participate in a TEDRA proceeding when it could affect their pecuniary interest in the estate's devolution.

By the time Gerald's motion for contempt was heard, Kenneth had intervened in support of the motion and the Verhaags collectively represented a 48 percent interest in the trust. The trust provided that on the death of Madeline Thiede, “the balance of trust assets, both income and principal, shall be distributed” to the beneficiaries in accordance with their interests. CP at 1276. Unauthorized payments to third parties of trust assets would deplete assets available for distribution to the beneficiaries. Under *Becker*, the Verhaags had a sufficient interest in unauthorized payments to Mr. Kovacevich.

Mr. Kovacevich argues that the Verhaags lacked authority to move for a finding of contempt under chapter 7.21 RCW because they were not “aggrieved” within the meaning of RCW 7.21.030(1). He relies on *Freedom Foundation v. Bethel School District*, 14 Wn. App. 2d 75, 469 P.3d 364 (2020), but that case did not involve any issue of contempt, let alone address the meaning of “aggrieved” under RCW 7.21.030(1). It addressed whether a party was aggrieved under the unique three-part criteria required to have standing to appeal agency action under chapter 34.05 RCW. Clearly, that three-part test does not apply here.

\*10 Chapter 7.21 RCW does not have its own definition for “aggrieved,” nor has any Washington decision announced a contempt-specific definition. The most logical basis for recognizing a party to a TEDRA action as “aggrieved” for purposes of making a contempt motion is whether the party was entitled to bring or participate in the TEDRA action. As explained above, the Verhaags had a sufficient interest under RCW 11.96A.030(5)(e). They therefore had standing to move for a finding of contempt.

## II. THE JANUARY 13, 2020 APPEAL OF THE DECEMBER 19, 2019 ORDERS

Mr. Kovacevich's next timely appeal was of the trial court's December 19, 2019 order denying his motion to vacate its September 11, 2019 order fixing the amount of attorney fees and costs awarded to the Verhaags. He also timely appealed a December 19, 2019 order that explained why the trial court

was rejecting Mr. Kovacevich's objections to the form of its order denying the motion to vacate.<sup>12</sup>

As previously noted, Mr. Kovacevich did not include his motion for a CR 60(b) order to show cause or any of the briefing on his motion to vacate in designating clerk's papers. According to the December 19, 2019 order denying motion to vacate, the briefing included a motion and declaration of Mr. Kovacevich, a response from Gordon, and a reply. Our only record is the order setting the hearing date, a transcript of the argument and oral decision taking place on November 15, 2019, and the final order.

CR 60(b) identifies limited grounds on which a party may obtain relief from a judgment or order. A motion to vacate cannot be used as a means to review and correct errors of law that are thought to have been committed in entering the order or judgment sought to be vacated. *State v. Keller*, 32 Wn. App. 135, 140, 647 P.2d 35 (1982) (citing *Hurley v. Wilson*, 129 Wash. 567, 568, 225 P. 441 (1924)). CR 60(b) does not authorize vacation of judgments except for reasons extraneous to the action of the court or for matters affecting the regularity of the proceedings. *Id.* (citing *Marie's Blue Cheese Dressing, Inc. v. Andre's Better Foods, Inc.*, 68 Wn.2d 756, 415 P.2d 501 (1966)). “ ‘[I]rregularities justify vacation whereas errors of law do not. For the latter the only remedy is by appeal from the judgment.’ ” *Id.* (alteration in original) (quoting Philip A. Trautman, *Vacation & Correction of Judgments in Washington*, 35 Wash. L. Rev. 505, 515 (1960)). “ ‘An irregularity is deemed to be of such character as to justify the special remedies provided by vacation proceedings, whereas errors of law are deemed to be adequately protected against by the availability of the appellate process.’ ” *Id.* (quoting Trautman, *supra*).

Our record on appeal is wholly inadequate to review any error assigned to denial of the motion to vacate. It is impossible to determine whether Mr. Kovacevich's motion even raised an irregularity correctable by a motion to vacate. His opening brief on appeal strongly suggests he did not, since it makes no reference to “60(b)” and the word “irregularity” is never used. The transcript of the November 15 oral argument of the motion also suggests that no viable CR 60(b) motion was made, since Mr. Kovacevich presented only the same arguments of legal error he had been raising and the trial court had been rejecting for months.<sup>13</sup> In addition to being legal errors, the claimed errors took place at earlier hearings, not the September 11 hearing that Mr. Kovacevich was challenging as irregular.<sup>14</sup> It is impossible to identify and



review assignments of error associated with denial of the motion to vacate.

### III. FEBRUARY 27, 2020 APPEAL OF THE FEE JUDGMENT ENTERED ON FEBRUARY 5, 2020

\*11 The final matter that was timely appealed was the February 5, 2020 judgment entered in Gordon's favor against Mr. Kovacevich for the aggregate in \$36,923.79 attorney fees and costs that had been awarded to the Verhaags, which Mr. Kovacevich timely appealed on February 27, 2020.

Mr. Kovacevich's assignments of error fail to heed this panel's denial of his motion to modify our commissioner's ruling on appealability; he persists in raising challenges to the underlying orders finding him in contempt and imposing sanctions. We will not consider them.

When Gordon relied on his assignment to recover a liability owed to the Verhaags, Mr. Kovacevich did have a right to challenge whether the Verhaags could point to a claim they had against him, because in any action on an assigned claim, the assignee acquires a right against the obligor only to the extent that the obligor is under a duty to the assignor. "If the right of the assignor would be ... unenforceable against [the obligor] if no assignment had been made, the right of the assignee is also subject to that infirmity." 6 Am. Jur. 2D *Assignments* § 117 (2018) (citing *Restatement (Second) of Contracts* § 336(1) (Am. Law Inst. 1981)). In response to Gordon's motion for entry of a judgment, Mr. Kovacevich timely asserted the defense that the Verhaags had released their claims against Mr. Kovacevich in the TEDRA agreement. We address that challenge.

We also address Mr. Kovacevich's contention, raised in the trial court, that entry of the judgment violated [RAP 7.2](#).

#### A. The Verhaags did not release their claims against Mr. Kovacevich

Mr. Kovacevich defended against entry of Gordon's judgment on the basis that "the fees sought to be collected ... were released by the Verhaags in the [TEDRA] Agreement, who waived all claims in the case against [Gordon's] attorney. The release includes Kovacevich, who was [Gordon's] attorney in the case." CP at 1113. He relies on section IV.K of the agreement, captioned, "Release," which states that "Gerald, Kenneth ... individually, and their successors ... do hereby fully release, acquit, and forever discharge each other, their successors, estates, *legal representatives* ... from any and all

claims, losses, actions, [etc]." CP at 243 (emphasis added) (boldface omitted).

Washington follows the objective manifestation theory of contracts, under which we declare the meaning of what is written. *Go2Net, Inc. v. C I Host, Inc.*, 115 Wn. App. 73, 85, 60 P.3d 1245 (2003). Our interpretation of a contract can be informed not only by its language but also by its subject matter and objective, all the circumstances surrounding its making, and the reasonableness of the respective interpretations advocated by the parties. *Scott Galvanizing, Inc. v. Nw. EnviroServices, Inc.*, 120 Wn.2d 573, 580-81, 844 P.2d 428 (1993). Our primary goal in interpreting a contract is to ascertain the parties' intent. *Paradise Orchards Gen. P'ship v. Fearing*, 122 Wn. App. 507, 516, 94 P.3d 372 (2004). Where, as here, the meaning of the contract was disputed on the basis of language, not extrinsic evidence, we determine the contract's meaning as a matter of law, and therefore de novo. *Mut. of Enumclaw Ins. Co. v. USF Ins. Co.*, 164 Wn.2d 411, 424 n.9, 191 P.3d 866 (2008).

Even the contract language on which Mr. Kovacevich relies does not support his position. Since the release provision does not release the releasing parties' "past and present" legal representatives, it is reasonably read to release only their present legal representatives, and Mr. Kovacevich was not a legal representative of Gordon's when the TEDRA agreement was signed. Elsewhere, the agreement expressly identifies Gordon's legal representative for purposes of the agreement: the introductory paragraph of the agreement identifies, for each beneficiary represented by counsel, the party's legal representative. It states, with respect to Gordon, that he "is represented by Scott R. Smith of Bohrsen Stocker Smith Luciani Adamson PLLC." CP at 237.

\*12 Elsewhere, the agreement states, "[t]his Agreement does not resolve claims ... that may exist against Gordon's former attorney, Robert Kovacevich," "Gordon will be assigned these claims and resolve these matters directly with Mr. Kovacevich," "Gerald [and] Kenneth ... shall assign any and all claims ... they may have against Robert Kovacevich," "Gordon shall own any recovery against Mr. Kovacevich," "Gerald, Kenneth and their counsel shall execute such pleadings or documents as are necessary for Gordon to ... pursue recovery from Mr. Kovacevich ... for all sums that the Court has ordered or may order Mr. Kovacevich to pay," and "Gordon is paying attorney fees that the Court has/or will order Mr. Kovacevich to pay, and therefore, any recovery of

attorney fees from Mr. Kovacevich shall belong to Gordon.” CP at 238, 240-41 (emphasis added).

Manifestly, the TEDRA agreement did not release Gerald and Kenneth's claims against Mr. Kovacevich.

*B. The trial court was authorized to reduce to judgment the attorney fees and costs previously awarded*

The Rules of Appellate Procedure make a distinction between finality on the merits and finality of costs. *Denney v. City of Richland*, 195 Wn.2d 649, 655, 462 P.3d 842 (2020). The fact that the merits have been resolved by a final judgment does not prevent the trial court from later determining an award of fees or costs. *See, e.g.*, [RAP 2.2\(a\)\(1\)](#) (allowing a party to appeal a final judgment “regardless of whether the judgment reserves for future determination an award of attorney fees or costs”).

Contrary to Mr. Kovacevich's argument, entry of an order or judgment awarding attorney fees or costs does not require this court's authorization under [RAP 7.2\(e\)](#). After review is accepted by the appellate court, “[t]he trial court has authority to act on claims for attorney fees, costs and litigation expenses.” [RAP 7.2\(i\)](#). Rather, as provided by that rule and by [RAP 2.4\(g\)](#), a timely appeal from the judgment on the merits will bring up for review an award of attorney fees by the trial court that is entered after the appellate court has accepted review. *Denney*, 195 Wn.2d at 655.

A party may transfer its interest in litigation pendent lite and the trial court may order substitution on the motion of any party. *Stella Sales, Inc. v. Johnson*, 97 Wn. App. 11, 17, 985 P.2d 391 (1999); [CR 25\(c\)](#). “Posttrial and even postjudgment substitutions, though infrequent, are contemplated by [CR 25\(c\)](#).” *Id.* at 18 (citing *Panther Pumps & Equip. Co. v. Hydrocraft, Inc.*, 566 F.2d 8, 21-28 (7th Cir. 1977)).

The trial court was presented with the TEDRA agreement and a fully-executed assignment of rights that evidenced the Verhaags’ transfer of their attorney fee and cost awards to Gordon. Mr. Kovacevich identifies no reason why the trial court lacked authority to enter a judgment for the attorney fee and cost award, substituting Gordon as the judgment creditor.

#### IV. ATTORNEY FEES ON APPEAL

Gordon requests an award of reasonable attorney fees and costs on appeal, relying on [RAP 18.1](#), [RCW 7.21.030\(3\)](#), and [RCW 11.96A.150](#). Mr. Kovacevich opposes the request, arguing that because Gordon is an assignee he cannot be awarded attorney fees.

[RAP 18.1\(a\)](#) allows this court to award attorney fees and costs on appeal “[i]f applicable law grants to a party the right to recover reasonable attorney fees or expenses.” [RCW 7.21.030\(3\)](#) allows the court to order a person found in contempt to pay a party for any losses suffered by a party as a result of the contempt, including reasonable attorney fees. [RCW 11.96A.150](#) gives courts broad authorization to award attorney fees to “proceedings governed by [Title 11 RCW], including but not limited to proceedings involving trusts, decedent's estates and properties, and guardianship matters.” [RCW 11.96A.150\(2\)](#).

In all three of Mr. Kovacevich's notices of appeal in this consolidated matter he named Gordon as the respondent. As a respondent (thereby a party), and having identified two legal bases for recovering reasonable attorney fees and costs, Gordon is entitled to our consideration of his request. We award Gordon his reasonable attorney fees and costs on appeal subject to his timely compliance with [RAP 18.1\(d\)](#).

**\*13** Affirmed.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to [RCW 2.06.040](#).

WE CONCUR:

[Lawrence-Berrey, J.](#)

[Staab, J.](#)

#### All Citations

Not Reported in Pac. Rptr., 17 Wash.App.2d 1060, 2021 WL 2104876

#### Footnotes

**1** Trust and Estate Dispute Resolution Act, chapter 11.96A RCW.

- 2 Given surnames that are common to multiple players in the appeal, we hereafter refer to the beneficiaries by their first names. We intend no disrespect.
- 3 In proceedings below, the first contempt proceeding initiated by beneficiaries addressed the failure of Gordon to timely deliver trust records and assets to Mr. Spurgetis. As a result, this challenge to Mr. Kovacevich's receipt of \$11,211.80 in trust funds in March 2018 is referred to in proceedings below as the second contempt proceeding.
- The failure to timely deliver trust records and assets is not at issue on appeal, so we begin our numbering of the contempt proceedings with the December 2018 contempt motion.
- 4 Several of the orders at issue or mentioned on appeal were signed on one day and filed with the clerk of court a day (or more) later. In such cases, the parties and the court have referred inconsistently to when they were "entered." Since the trial judge did not note on any of the orders that it had permitted filing with him, we refer to the orders as being entered on the day they were filed with the clerk of court. See [CR 5\(e\)](#), [58\(b\)](#).
- 5 This was referred to in proceedings below as the third contempt proceeding. See n.3, *supra*.
- 6 Two nonconsecutively paginated verbatim reports of proceedings have been filed with this court. The only one cited in this opinion is the volume reporting four hearings taking place in 2019.
- 7 Should Mr. Kovacevich petition for review, we point out to the Supreme Court that the appealability issues are not addressed in the parties' RAP Title 10 briefs. Instead, they were extensively briefed in correspondence addressed to our commissioner in February and March 2020, in connection with her review of appealability, and in briefs filed in April and May 2020, in support of and opposition to Mr. Kovacevich's motion to modify the commissioner's ruling.
- 8 Mr. Kovacevich's opening brief contends that his July 9, 2019 notice of appeal also appealed the TEDRA agreement. It did not; it plainly appealed only "the contempt part of the court judgment dated May 2, 2019." CP at 257. It "notified" this court "[p]ursuant to [RAP 7.2\(e\)](#)" that actions to change or modify a decision were "pending ... in the trial court," CP at 258, reflecting an apparent misunderstanding of [RAP 7.2\(e\)](#). After an appeal has been filed, that rule provides a means for pursuing further decisions *in the trial court* that this court may or may not give the trial court permission to enter. It does not enlarge the scope of an appeal.
- 9 A third, passing, argument, was that "a court has no jurisdiction over the fee agreements between attorney and client." CP at 213. Mr. Kovacevich's briefing on appeal never speaks of this "fee agreement" issue; the only jurisdictional issues he attempts to raise on appeal depend on events taking place after the May 3 order.
- 10 The trial court's decision denying the motion states that a response filed on May 28 was considered by the court.
- 11 Based on our review, Mr. Kovacevich failed to designate the documents identified by the court's order as (3), (4), (7), (8), (9), (10), (11), (14), (16), (17), (18), (19), and (20).
- 12 The trial court's order re: order denying motion to vacate on December 19, 2019, explained that its order denying motion to vacate was in a form presented by Gordon after the trial court orally denied the motion to vacate at the hearing on November 15, 2019. Mr. Kovacevich's attorney participated in that hearing telephonically, wished to have an opportunity to review the order, and later objected to it. The order re: order denying motion to vacate explains that since Mr. Kovacevich's objections did not go to whether the order denying motion to vacate conformed to its oral ruling (the issue on presentment), it was entering the order in the form originally proposed on November 15.
- 13 Mr. Kovacevich argued that (1) the TEDRA action was "over" when the beneficiaries entered into the TEDRA agreement in June, (2) approval of the TEDRA agreement under [RCW 11.96A.240](#) was improper without notice to Mr. Kovacevich and a hearing in which he had the opportunity to participate, (3) the court made insufficient findings to support subject matter or personal jurisdiction, and (4) there should have been an evidentiary hearing on contribution. RP at 98-100.
- 14 If we were to find the September 11, 2019 order reviewable, it would be reviewable only as to the *amount* of fees, which is not challenged. Where a trial court first determines a legal basis for awarding fees and only later determines their amount,

an appeal challenging the legal basis for the award must be filed within 30 days of the former decision; an appeal of the latter decision comes too late. [Bushong v. Wilsbach](#), 151 Wn. App. 373, 377, 213 P.3d 42 (2009).

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